



KMG

# Budget Analysis Master

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT ...; relating to:

*Analysis by the Legislative Reference Bureau*

\*\*\* ANALYSIS FROM -0480/P3 \*\*\*

## INTRODUCTION

This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations from the general fund and from segregated funds for the 1999-2001 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 1999-2001 fiscal biennium. The descriptions that follow relate to the most significant changes in the law proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For the fiscal impact of this bill refer to the publication *Budget in Brief* issued by the department of administration.

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For additional information concerning this bill, see the department of administration's executive budget books, the legislative fiscal bureau's summary document and the legislative reference bureau's drafting files that contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

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### **GUIDE TO NONSTATUTORY MATERIAL**

As is the case for all other bills, the SECTIONS of the budget bill treating statutory material are displayed in the ascending numerical sequence of the statute units affected. In some parts of the bill, not all consecutive SECTION numbers are used.

Treatments of prior session laws (styled "laws of [year], chapter ...." from 1848 to 1981, and "[year] Wisconsin Act ...." beginning with 1983) are displayed next by year of original enactment and by act number.

Following this material, the remaining nonstatutory material is organized by the category of nonstatutory provision and by the state agency to which the provision relates. The first two digits of the 4-digit SECTION number indicate the category of the provision:

**91XX Nonstatutory provisions.**

**92XX Appropriation changes.**

**93XX Initial applicability.**

**94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

**XX01 Administration.**

**XX02 Adolescent pregnancy prevention and pregnancy services board.**

**XX03 Aging and long-term care board.**

**XX04 Agriculture, trade and consumer protection.**

**XX05 Arts board.**

**XX06 Boundary area commission, Minnesota-Wisconsin.**

**XX07 Building commission.**

**XX08 Child abuse and neglect prevention board.**

**XX09 Circuit courts.**

**XX10 Commerce.**

**XX11 Corrections.**

**XX12 Court of appeals.**

**XX13 Educational communications board.**

**XX14 Elections board.**

**XX15 Employee trust funds.**

**XX16 Employment relations commission.**

**XX17 Employment relations department.**

**XX18 Ethics board.**

**XX19 Financial institutions.**

**XX21 Governor.**

**XX22 Health and Educational Facilities Authority.**

**XX23 Health and family services.**

**XX24 Historical society.**

**XX25 Housing and Economic Development Authority.**

**XX26 Insurance.**

**XX27 Investment board.**

**XX28 Joint committee on finance.**

- XX29 Judicial commission.**
- XX30 Justice.**
- XX31 Legislature.**
- XX32 Lieutenant governor.**
- XX33 Lower Wisconsin state riverway board.**
- XX34 Medical College of Wisconsin.**
- XX35 Military affairs.**
- XX36 Natural resources.**
- XX37 Personnel commission.**
- XX38 Public defender board.**
- XX39 Public instruction.**
- XX40 Public lands, board of commissioners of.**
- XX41 Public service commission.**
- XX42 Regulation and licensing.**
- XX43 Revenue.**
- XX44 Secretary of state.**
- XX45 State fair park board.**
- XX46 Supreme Court.**
- XX47 Technical college system.**
- XX48 Technology for educational achievement in Wisconsin board.**
- XX49 Tourism.**
- XX50 Transportation.**
- XX51 Treasurer.**
- XX52 University of Wisconsin Hospitals and Clinics Authority.**
- XX53 University of Wisconsin Hospitals and Clinics Board.**
- XX54 University of Wisconsin System.**
- XX55 Veterans affairs.**

**XX56 World Dairy Center Authority.**

**XX57 Workforce development.**

**XX58 Other.**

For example, for miscellaneous nonstatutory provisions affecting the historical society, see SECTION 9124. The state agencies are listed in alphabetical sequence by key word. For any agency that is not assigned a two-digit identification number and that is attached to another agency see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "58" (**other**) in each category.

In order to facilitate amendment drafting and the enrolling process, separate SECTION numbers and headings appear for each type of provision and for each state agency, even when there is no nonstatutory material associated with that SECTION number. As a result, amendments inserting material affecting different state agencies will not insert that material on the same page and line number. SECTION numbers and headings that are not followed by nonstatutory material will be deleted in enrolling and will not appear in the enrolled bill.

\*\*\* ANALYSIS FROM -1785/P3 \*\*\*

### AGRICULTURE

Under current law, one of the eligibility requirements for the farmland preservation credit is that the land to which the claim relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance that is certified by the land and water conservation board (LWCB). A farmland preservation agreement ~~is~~ between the landowner and the department of agriculture, trade and consumer protection (DATCP). ~~The agreement commits the~~

requires

owner to keep the land in agricultural use <sup>may</sup> for the duration of the agreement, up to 25 years, although ~~the law allows~~ DATCP ~~to~~ release land from an agreement under certain circumstances. ~~Under current law,~~ in some of the circumstances under which DATCP may release land from a farmland preservation agreement, or if land is rezoned from exclusive agricultural use, DATCP is required to file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years.

For taxable years beginning after December 31, 2000, this bill eliminates the requirement that land ~~must~~ be subject to a farmland preservation agreement or exclusive agricultural use zoning <sup>in order</sup> for the owner to qualify for the farmland preservation credit. See **TAXATION**. The bill prohibits DATCP from entering into additional farmland preservation agreements ~~after the bill takes effect~~ <sup>and</sup> requires DATCP to release land from an existing farmland preservation agreement at the request of the owner. ~~The bill requires~~ DATCP <sup>must</sup> to file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years, unless the land qualifies for release under one of the current circumstances under which a lien is not required. Under the bill, land that is rezoned from exclusive agricultural use zoning after December 31, 2000, is not subject to a lien.

Under current law, another eligibility requirement for the farmland preservation credit is that the land ~~must~~ be farmed in compliance with a soil and water conservation plan or with soil and water conservation standards established by the county <sup>and</sup> approved by LWCB. Under the bill, beginning on January 1, 2001, all claimants must comply with the soil and water conservation standards. The bill requires counties to revise the standards so that they are consistent with the

in which the  
land is located

for a description of all of the  
changes in the credit

tolerable erosion <sup>standard</sup> established by LWCB and with nutrient management rules promulgated by DATCP.

Under current law, an exclusive agricultural use zoning ordinance must generally provide that the minimum parcel size <sup>for</sup> to establish <sup>ing</sup> a residence or a farm operation is 35 acres. This bill eliminates that requirement effective January 1, 2001, and requires instead that an exclusive agricultural use ordinance must specify a minimum lot size.

\*\*\* ANALYSIS FROM -0091/5 \*\*\*

Under current law, a person may not operate a nursery (a place where plants are grown for sale) in this state without a license from DATCP. The license fee is based primarily on total nursery acreage. A person other than the operator of a nursery may not sell nursery stock without a nursery dealer license from DATCP. The nursery dealer license fee is \$25 for each place of business.

~~This bill restructures and makes various changes in the law related to nursery operators and nursery dealers.~~ Under <sup>this</sup> ~~the~~ bill, the license fee for a nursery operator (called a nursery grower) is based on annual sales of nursery stock. ~~Under the bill,~~ <sup>and</sup> the nursery dealer license fee is based on annual purchases of nursery stock. The bill also requires that Christmas tree growers be licensed as nursery growers.

\*\*\* ANALYSIS FROM -1243/2 \*\*\*

Current law requires county land conservation committees to prepare land and water resource management plans. The plans <sup>must be</sup> ~~are~~ reviewed by LWCB and ~~are~~ approved ~~or disapproved~~ by DATCP. This bill provides <sup>for</sup> ~~that~~ land and water resource management plans <sup>to be</sup> ~~are~~ reviewed by DATCP, in consultation with the department of natural resources <sup>approved</sup> ~~and~~ by LWCB. <sup>The</sup> ~~This~~ bill also changes the requirements for the contents of a land and water resource management plan by, among other things, <sup>requiring the</sup> ~~adding requirements for~~ identification of water quality goals and <sup>for</sup> ~~including~~ a system <sup>to</sup> ~~to~~ monitor <sup>ing</sup> the progress of the activities described in the plan.

**\*\*\* ANALYSIS FROM -1269/1 \*\*\***

Under current law, DATCP ~~administers a soil and water resource management program~~. <sup>awards</sup> The program includes grants for land and water resource management projects and for the construction of animal waste management systems. Current law authorizes the issuance of up to \$3,000,000 in state bonds for ~~DATCP's soil and water resource management~~ <sup>this</sup> program. This bill increases that bonding authority by \$3,575,000.

**\*\*\* ANALYSIS FROM -0567/1 \*\*\***

Under current law, DATCP regulates establishments where animals are slaughtered and where meat is processed if those establishments are not federally licensed.

This bill requires slaughtering and meat processing establishments that are not federally licensed to comply with <sup>the</sup> federal regulations <sup>that apply</sup> ~~applicable~~ to federally licensed establishments, except as otherwise provided in rules promulgated by DATCP.

Under current law, DATCP regulates retail food establishments, such as grocery stores, and the department of health and family services (DHFS) regulates restaurants. Also under current law, a state agency is generally required to use the form and style used for the statutes when it promulgates rules.

Under this bill, if DATCP or DHFS promulgates a rule based on the model food code, the rule may use the format of the model food code. ~~The model food code~~ <sup>which</sup> is published by the federal food and drug administration as a model for state and local regulation of retail food establishments and restaurants.

**\*\*\* ANALYSIS FROM -0095/3 \*\*\***

Under current law, DATCP collects fees related to fertilizer, animal feeds and pesticides. The fees are used for the management of agricultural chemicals. The 1997-99 biennial budget act lowered the amount of these fees for two years. This bill extends the lower fee amounts for two additional years.

*from persons who manufacture and sell these products*



For the fertilizer and animal feed fees, the bill also imposes a weights and measures fee on each ton of fertilizer or animal feed. The fees are used by DATCP for its weights and measures inspection program. <sup>This</sup> bill reduces the fertilizer and animal feed fees so that the total fee per ton remains the same as it is under current law. <sup>sold</sup>

\*\*\* ANALYSIS FROM -0099/1 \*\*\*

This bill authorizes DATCP to accept electronic applications and payments for licenses issued and services provided by DATCP. ~~The bill authorizes DATCP to~~ <sup>may</sup> charge a fee to cover its electronic processing costs.

\*\*\* ANALYSIS FROM -0824/9 \*\*\*

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

~~Under current law, all Indian gaming receipts are deposited into an appropriation to the department of administration (DOA). This bill requires transfers from that appropriation for various purposes.~~

<sup>This</sup> bill ~~creates two grant and loan programs to be administered by the~~ <sup>authorizes</sup> department of commerce (department). ~~Under one program, the department may make a grant that does not exceed \$15,000 to a business that is located in a county or in a county adjacent to a county, in which is located a casino that is operated by a federally recognized American Indian tribe or band in this state. The grant must be used for professional services, such as engineering studies, feasibility studies, marketing assistance or legal or accounting services. The department may also make a grant or loan for fixed asset financing to a business that is located in a county or in a county adjacent to a county, in which is located a casino that is operated by a federally recognized American Indian tribe or band in this state. The grant or loan may not exceed \$100,000. For any grant or loan under the program, the department must determine that the recipient has been negatively impacted by the existence of the casino and that the recipient has a need for the grant or loan to improve its~~

<sup>appropriated</sup>

<sup>the same</sup>

<sup>such</sup>

<sup>as</sup>

<sup>A</sup>

<sup>either of these grants or loans</sup>

profitability. Unless the department waives the requirement for financial hardship reasons, any business receiving a grant or loan must provide matching funds for 25% of the cost of the project.

~~Under the other grant and loan program, for the purpose of diversifying the~~  
~~economy of a community in proximity to a casino,~~ <sup>The bill also authorizes to award</sup>  
~~or loan to a business that is located in a county, or in a county adjacent to a county,~~  
~~in which is located a casino that is operated by a federally recognized American~~  
~~Indian tribe or band in this state.~~ <sup>described above</sup>  
<sup>such</sup> In determining whether to award a grant or loan,  
the department must consider a project's potential to retain or increase jobs,  
potential for significant capital investment and contribution to the economy of the  
community in proximity to the casino and <sup>to the economy</sup> of the state. A business that receives a  
grant or loan must provide matching funds for at least 25% of the cost of the project.  
Moneys for <sup>all of these</sup> ~~both grant and loan programs, including marketing the programs,~~  
~~from the DOA appropriation into which is deposited~~ Indian gaming receipts. In  
addition, <sup>Indian gaming receipts are</sup> ~~the appropriation is to be~~ used for economic development grants for Brown  
County in fiscal years 1999-2000 and 2000-01. STET

<sup>money is appropriated</sup>  
Also under current law, ~~three appropriations~~ to the department of commerce  
<sup>for</sup> ~~related to~~ economic development for American Indians. All of these appropriations  
~~are funded from general purpose revenue.~~ <sup>This</sup> The bill changes the source of the funding  
~~to the DOA appropriation into which is deposited~~ Indian gaming receipts.

\*\*\* ANALYSIS FROM -0821/4 \*\*\*

The Wisconsin Housing and Economic Development Authority (WHEDA)  
administers a number of loan guarantee programs. Under the small business  
development loan guarantee program, WHEDA may guarantee up to 80% or  
\$200,000, whichever is less, of the principal of a loan made <sup>by a private lending institution</sup> to a business that employs  
50 or fewer full-time employees (small business), or to the elected governing body of  
a federally recognized American Indian tribe or band in this state, for certain

business development projects. The total outstanding guaranteed principal amount of all loans that WHEDA may guarantee under the program is \$9,900,000. <sup>This</sup> The bill adds a new type of eligible borrower to the program: a small business that is located in the same county as a casino that is operated by a federally recognized American Indian tribe or band or in a county that is adjacent to such a county. For such a loan, WHEDA may guarantee up to 100% or \$200,000, whichever is less, of the loan principal. In addition, for such a loan WHEDA annually may pay to the financial institution that made the loan up to 3.5% of the outstanding balance of the loan as an interest subsidy. The bill increases the total outstanding guaranteed principal amount of all loans that WHEDA may guarantee under the program from \$9,900,000 to \$21,150,000. The bill also ~~transfers to the Wisconsin development reserve fund moneys from the DOA appropriation into which Indian gaming receipts are deposited~~ <sup>authorizes to</sup> ~~Although WHEDA uses Wisconsin development reserve fund moneys to fund loan guarantees under all of its loan guarantee programs, the moneys transferred from the Indian gaming receipts appropriation may be used only for guarantees and interest subsidies under the small business development loan guarantee program for loans made to businesses located in the same counties as American Indian casinos or in counties adjacent to those counties.~~

\*\*\* ANALYSIS FROM -0820/7 \*\*\*

Under current law, ~~the appropriation to the department of tourism for tourism marketing is an annual general purpose revenue appropriation, which means that the unencumbered balance in the appropriation account lapses to the general fund at the end of each fiscal year. The bill changes this appropriation to biennial, which means that the unencumbered balance at the end of the first fiscal year of a biennium carries over to the next fiscal year and the unencumbered balance in the appropriation account at the end of the second fiscal year (the end of the fiscal biennium) lapses to the general fund. The bill also requires an annual transfer from~~

~~the DOA appropriation into which~~ <sup>appropriates</sup> Indian gaming receipts ~~are deposited to a new appropriation~~ to the department of tourism for tourism marketing expenditures and for providing funds to nonprofit organizations for the joint effort marketing of tourism in the state.

\*\*\* ANALYSIS FROM -1581/2 \*\*\*

~~The department of commerce administers~~ <sup>Currently, under</sup> the physician loan assistance and health care provider loan assistance programs ~~under current law~~. ~~Under the programs~~, the department <sup>of commerce</sup> may repay up to a specified amount in educational loans on behalf of a physician, physician's assistant, nurse-midwife or nurse practitioner who agrees to practice at least 32 clinic hours per week for three years in one or more eligible practice areas, defined generally as areas in this state with shortages of certain types of health care providers. The loan repayments are funded from general purpose revenue. The bill changes the funding source to Indian gaming revenue through ~~an annual transfer from the DOA appropriation into which Indian gaming receipts are deposited.~~

\*\*\* ANALYSIS FROM -2015/1 \*\*\*

~~The~~ <sup>This</sup> bill authorizes WHEDA to organize and maintain ~~a biotechnology development finance company~~ as a nonstock, nonprofit corporation for the purpose of investing in biotechnology companies in this state. Biotechnology is defined as technology related to life sciences. General purpose revenue is provided to the ~~biotechnology development finance company~~ <sup>corporation</sup> for start-up capital and for its reasonable administrative expenses. WHEDA must provide administrative services to the ~~biotechnology development finance company~~ <sup>corporation</sup> by assigning its own employees or by contracting with private or state agencies to provide the services.

The ~~biotechnology development finance company~~ <sup>corporation</sup> may invest in a biotechnology company by purchasing capital participation instruments, such as capital stock, partnership or membership interests, evidences of indebtedness and royalties, in a

commercial, industrial or other economic enterprise undertaken by the biotechnology company. The ~~biotechnology development finance company~~ corporation may not purchase more than 49% of the voting stock in any such enterprise and may not invest more than \$200,000 in any one biotechnology company.

The board of directors of the ~~biotechnology development finance company~~ includes the executive director of WHEDA, the secretary of commerce, the secretary of administration, the executive director of the investment board, the president of the University of Wisconsin System ~~UW System~~ and the president of Forward Wisconsin, Inc., or the designee of any of them, and three other members <sup>who</sup> ~~which~~ are initially appointed by the governor and <sup>who must</sup> ~~which~~ include representatives of the state's biotechnology research community, biotechnology industry and venture capital industry.

*De*  
*This* **\*\*\* ANALYSIS FROM -2072/2 \*\*\*** *award*  
~~The~~ bill authorizes the department of commerce to ~~make~~ a grant of not more than \$1,000,000 to a consortium of business, governmental and educational entities in the Racine-Kenosha area for a manufacturing technology training center. The consortium must submit a business plan to the department, and the secretary of commerce must approve the plan before the grant may be made. The department and the consortium must enter into a written agreement concerning the use of the grant proceeds, and the consortium must submit a report to the department on the use of the grant proceeds within six months after spending the proceeds. ✓

The bill also authorizes the department to make a loan of not more than \$600,000 to a person for a project that includes a pedestrian bridge. In order to receive the loan, the person must submit a project plan and the plan must be approved by the secretary of commerce. The person must enter into a written agreement with the department related to the use of the loan proceeds, and must

agree to report to the department on the use of the loan proceeds after the proceeds are spent.

**\*\*\* ANALYSIS FROM -1582/3 \*\*\***

<sup>This</sup>  
~~The~~ bill eliminates the manufacturing assistance grants program ~~in current law~~ and creates a manufacturing extension center grants program. Under the manufacturing assistance grants program, the department of commerce made grants awarded by the development finance board <sup>under which awards grants</sup> to fund a management assessment and plan, to provide customized training for employees of a business supplying a manufacturing business and to provide support for a manufacturing extension center technology transfer program. Grants ~~could~~ <sup>may</sup> not total more than \$750,000 in a fiscal biennium and ~~were~~ <sup>are</sup> funded with general purpose revenue from the Wisconsin development fund and with repayments from grants and loans made from the Wisconsin development fund. <sup>Under the new grant program</sup> ~~Under the new grant program~~, <sup>the</sup> department of commerce ~~may~~ <sup>to</sup> award ~~and make~~ a grant to a technology-based nonprofit organization to provide support for a manufacturing extension center. Grants awarded under the program may not exceed \$1,000,000 in a fiscal year and are funded solely with repayments of grants and loans made from the Wisconsin development fund. (This bill authorizes)

Any technology-based nonprofit organization that receives a grant under the new program loses eligibility to receive a grant or loan under any of the programs funded from the Wisconsin development fund.

**\*\*\* ANALYSIS FROM -0557/3 \*\*\***

Under current law, the department of commerce makes grants under two programs for costs associated with the start-up or expansion of a business, such as the cost of having a feasibility study performed or a marketing plan prepared. Under one of the programs, the business being started or expanded must be at least 51% owned, controlled and actively managed by a minority group member or members.

Under the other program, the business must be located in a city, village or town that has a population of 6,000 or less or that is located in a county with a population density of less than 150 persons per square mile.

<sup>This</sup> ~~The bill creates a new program under which~~ <sup>authorizes</sup> the department of commerce ~~may~~ <sup>to award</sup> ~~provide~~ grants for costs associated with the start-up or expansion of a business that is or will be located ~~in this state~~ in a city, village or town that has a population of more than 6,000 or that is located in a county with a population density of 150 or more persons per square mile. The department may not award more than \$15,000 to any one person in a fiscal biennium, and may not award more than \$250,000 under the program in a fiscal biennium. A person may not receive a grant unless the person submits to the department a comprehensive informational application and contributes at least 25% of the cost of the project.

Currently, if the

\*\*\* ANALYSIS FROM -0550/1 \*\*\*

\*\*\* ANALYSIS FROM -0843/2 \*\*\*

~~The~~ department of commerce administers three types of development zone programs: 1) the development zone program; 2) the <sup>a</sup> development opportunity zone program; and 3) the <sup>or an</sup> enterprise development zone <sup>a</sup> program. ~~Internally~~, after the department designates an area as ~~one of the three types of~~ <sup>a</sup> development zone, a person or corporation that conducts or that intends to conduct economic activity in the designated zone ~~may~~ <sup>now</sup> be ~~certified by the department as~~ eligible for certain tax credits, called development zones credits, based on the creation or retention of jobs and on expenses incurred to remediate environmental problems.

<sup>This</sup> ~~The bill makes various changes to the development zone programs. The~~ bill eliminates <sup>the requirement</sup> ~~a provision~~ that the department ~~must~~ obtain the approval of the joint committee on finance ~~to~~ designate more than 50 enterprise development zones and increases the number of enterprise development zones that the department may designate to ~~up to~~ 100. The bill increases the amount in tax credits that the

department must allow a person to claim for creating or retaining a job in a development zone or in an enterprise development zone. The bill increases to \$300,000,000 the total amount of tax credits that may be claimed under the development zone and enterprise development zone programs together. Under current law, the amount of tax credits that may be claimed under the development zone program is \$33,155,000 and the amount that may be claimed under the enterprise development zone program is not specified. ~~Finally, the bill authorizes the department to designate enterprise development zones for a different type of project.~~

Under current law, the department may designate an enterprise development zone <sup>only</sup> for a project that is likely to retain or increase employment in the state and that will likely have a positive effect on an area that meets at least three criteria relating generally to economic circumstances. ~~Under the bill,~~ <sup>Finally, the bill authorizes</sup> the department ~~may also~~

<sup>to</sup> designate enterprise development zones for projects that will likely provide for significant environmental remediation. Of the 100 enterprise development zones that the department may designate under the bill, the department must designate at least ten for projects for environmental remediation.

\*\*\* ANALYSIS FROM -0940/6 \*\*\*

Currently

~~Under the brownfields grant program in current law,~~ the department of commerce awards grants to persons for the redevelopment of brownfields and associated environmental remediation activities. Brownfields are abandoned, idle or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination. Grants are <sup>paid</sup> ~~made~~ from general purpose revenue and from moneys from the environmental fund. The department is required to award at least seven grants under the program for projects that are located in municipalities with a population of less than 30,000.



The bill adds another type of grant to the program based on the creation or retention of jobs. Under the bill, any person eligible for a grant under the <sup>current</sup> program ~~under current law would be~~ <sup>is</sup> eligible for the new type of grant if, in addition to satisfying the criteria under current law, the grant applicant ~~will~~ <sup>will</sup> create <sup>3</sup> or retain <sup>5</sup> jobs with the grant proceeds. At least 80% of the jobs created or retained must be filled by individuals who are parents of minor children and who have family incomes that do not exceed 200% of the federal poverty line. The new grants ~~will be~~ <sup>are</sup> paid from ~~the~~ <sup>current</sup> federal block grant moneys. The requirement that the department must award at least seven grants under the program for projects that are located in municipalities with a population of less than 30,000 is changed to a requirement that the department must award at least 14 grants for projects that are located in municipalities with a population of less than 50,000.

Currently,

\*\*\* ANALYSIS FROM -1187/1 \*\*\*

~~WHEDA administers a number of loan guarantee programs under which~~  
~~WHEDA~~ <sup>the</sup> guarantees repayment of loans made to businesses and individuals for various specified purposes by private lending institutions. The loans are guaranteed from the Wisconsin development reserve fund ~~which WHEDA administers~~. <sup>This</sup> bill transfers \$2,000,000 from the Wisconsin development reserve fund to the environmental fund, which funds such activities as environmental repair, groundwater management and nonpoint source water pollution abatement. In addition, the bill reduces WHEDA's loan guarantee authority for the <sup>remediation of</sup> brownfields ~~remediation loan guarantee program, under which WHEDA guarantees loans made~~  
 to businesses for direct or related expenses associated with remediation of contamination at abandoned, idle or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination.

\*\*\* ANALYSIS FROM -1279/2 \*\*\*

temporary  
assistance  
for needy  
families

*currently awards*  
 The department of commerce ~~makes~~ grants and loans from an ~~appropriation~~  
~~known as the Wisconsin development fund (fund)~~ for various purposes generally  
 related to technology and product research and development and labor training.  
 Under current law, \$50,000 is allocated from the fund in each of fiscal years 1997-98,  
 1998-99 and 1999-2000 for providing assistance to a nonprofit organization that  
 provides assistance to organizations and individuals in urban areas. ~~The~~ *This* bill  
 provides that in fiscal year 1999-2000 the department of commerce may instead  
 provide up to \$100,000 in assistance to the nonprofit organization.

\*\*\* ANALYSIS FROM -1220/2 \*\*\*

*currently, moneys in*  
 WHEDA administers the housing rehabilitation loan program administration  
 fund. ~~Moneys in the fund~~ may be used to pay for WHEDA's expenses in  
 administering the housing rehabilitation loan program ~~and~~ *Moneys* may be transferred to  
 the secretary of administration for deposit in the general fund to the extent that the  
 chairperson of WHEDA certifies that ~~if~~ *This* the moneys are no longer required for the  
 housing rehabilitation loan program. ~~The~~ bill eliminates the transfer of moneys to  
 the secretary of administration for deposit in the general fund and instead  
 authorizes the transfer of moneys from the housing rehabilitation loan program  
 administration fund to the Wisconsin development reserve fund, which WHEDA  
 uses to fund loan guarantees under all of its loan guarantee programs.

*delete?*  
 Under the agricultural production loan guarantee program in current law,  
 WHEDA guarantees loans made to farmers to finance production of an agricultural  
 commodity, such as milk. Under the farm assets reinvestment management loan  
 guarantee program in current law, WHEDA guarantees loans made to farmers to  
 finance the acquisition of agricultural assets or the cost of improvements to facilities  
 or land. The bill increases the amount of outstanding guaranteed principal that a  
 farmer may have under either program.

The bill <sup>also</sup> eliminates the cultural and architectural landmark loan guarantee program, under which WHEDA may guarantee a loan to an organization for acquiring, constructing, improving or rehabilitating a property that is an architectural masterpiece and that has historical significance.

\*\*\* ANALYSIS FROM -0513/1 \*\*\*

Under the statutes, records created and maintained by a government <sup>a)</sup> agency are normally open to inspection by anyone who requests inspection or copies of the records. Also under current law, a government <sup>a)</sup> agency is prohibited from selling or renting a record containing an individual's name or address unless authorized by statute. <sup>This</sup> ~~The~~ bill <sup>allows</sup> provides that the department of tourism <sup>to</sup> may refuse to reveal names, addresses and related demographic information from any lists maintained by the department of persons who have requested travel information from the department. In addition, if the department <sup>reveals</sup> provides information from any such list, the department may charge a fee to recover its costs in compiling and providing the information.

\*\*\* ANALYSIS FROM -0552/1 \*\*\*

~~Under the community-based economic development programs in current law, the department of commerce awards grants to political subdivisions and community-based organizations for various purposes related to promoting economic development at the community level. Under one of the programs, the department may make grants to community-based organizations for regional economic development, but is limited in the amount that it may award in a fiscal year. The~~ <sup>This</sup> bill removes this limit so that the department may use its discretion in the total amount of grants awarded ~~under the program.~~

\*\*\* ANALYSIS FROM -0551/1 \*\*\*

Under ~~the business development initiative program,~~ <sup>current law</sup> the department of commerce provides technical assistance, or a grant for technical assistance, <sup>for</sup> developing and planning the start-up or expansion of a business that is expected to

to individuals, nonprofit organizations  
and businesses with fewer than 25 full-  
time employees

provide job opportunities for persons with severe disabilities. Eligible recipients are individuals, small businesses and nonprofit organizations. A small business is defined as a for-profit business with fewer than 25 full-time employees. <sup>This</sup> bill changes the definition of a small business by increasing the number of employees to <sup>employees</sup> fewer than 100, thereby increasing the number of businesses eligible under the program. <sup>for such assistance</sup>

\*\*\* ANALYSIS FROM -0424/1 \*\*\*

Under current law, state agencies are required to prepare and submit to the legislature various reports related to an agency's responsibilities or expertise. The bill eliminates, or transfers to other agencies, that requirement with respect to a number of reports that the department of commerce is required to prepare and submit.

\*\*\* ANALYSIS FROM -1836/2 \*\*\*

COMMERCE

**Banking**

Under current law, the division of savings and loan regulates savings banks and savings and loan associations and the division of banking regulates state banks. <sup>in DFI</sup> This bill allows <sup>a</sup> savings banks, <sup>a</sup> savings and loan associations and <sup>a</sup> state banks <sup>financial</sup> institutions <sup>(a)</sup> to apply to the division of banking to become certified as a universal bank. If certified as a universal bank, the financial institution may exercise certain powers, <sup>additional</sup> in addition to those that are granted under the statutes under which they are organized. Universal banks retain their status as savings and loan associations, savings banks or state banks and remain subject to existing regulatory and supervisory requirements, except to the extent that these requirements are inconsistent with the requirements applicable to universal banks.

In order to be certified as a universal bank, a financial institution must ~~apply~~ to the division of banking and must meet all of the following conditions: 1) the financial institution <sup>be</sup> is chartered or organized, and regulated, as a Wisconsin

by the division of  
banking in the  
department of finance  
institutions (DFI) (5)

financial institution and <sup>d</sup> ~~has been~~ <sup>be</sup> in existence and continuous operation for at least three years; ~~2) the financial institution~~ must be <sup>certifies</sup> well-capitalized <sup>certified</sup> or <sup>retains its original status and</sup> adequately capitalized; ~~3) the financial institution~~ must not exhibit moderately severe or unsatisfactory financial, managerial, operational and compliance weaknesses; and ~~4) the financial institution~~ must not have been the subject of any enforcement action within the 12 months preceding the application. ~~If these requirements are met, the division of banking must certify the financial institution as a universal bank. The financial institution may be decertified only if it elects to terminate its certification and the election is approved by the division.~~

A financial institution that ~~is certified~~ <sup>certified</sup> as a universal bank <sup>the division of banking</sup> remains subject to all of the <sup>laws</sup> ~~requirements and duties~~ and remains able to exercise all of the ~~powers~~ that applied to the financial institution prior to its certification as a universal bank, except to the extent that such <sup>laws</sup> ~~requirements, duties and powers~~ are inconsistent with the powers and duties of universal banks. After a financial institution becomes certified as a universal bank, the division of banking becomes solely responsible for establishing the capital requirements applicable to the universal bank.

A universal bank continues to operate under and may amend the articles of incorporation and bylaws in effect prior to the certification. Current law generally prohibits savings banks and savings and loan associations from using the term "bank" in their corporate name, without also using the term "savings". Notwithstanding these provisions, the bill allows all financial institutions that become certified as a universal bank to use the term "bank" in their corporate name without using the word "savings", subject to certain limitations relating to the distinguishability of the name. Under current law, the division of banking regulates mergers and acquisitions of state banks and the division of savings and loan is responsible for regulating the mergers and acquisitions of savings banks and savings and loan associations. Under the bill, the division of banking assumes responsibility

for reviewing and approving the mergers and acquisitions of all financial institutions that have been certified as universal banks. The division of banking must apply the standards currently applicable to the various financial institutions that may become certified as universal banks, except that universal banks may generally acquire or merge with any type of financial institution.

The bill expands the powers of <sup>9</sup>financial institutions that become <sup>5</sup>certified as a universal bank to include any activity authorized for any savings bank, savings and loan association or state bank. In addition, the bill <sup>also all of the following</sup> specifically provides that <sup>with respect to the powers that a</sup> universal banks may exercise <sup>the following powers:</sup>

<sup>1.</sup> ~~Federal powers.~~ The bill grants <sup>9</sup>universal banks the authority to exercise all powers that may be exercised, either directly or through a subsidiary, by a national bank, a federally chartered savings bank or a federally chartered savings and loan association. ~~The division of banking may require that a federal power be exercised by a subsidiary of the universal bank in order to limit the risk exposure of the universal bank.~~

<sup>2. A</sup> ~~Lending powers.~~ Under current law, the lending powers of a financial institution depend on whether the financial institution is organized as a savings bank, savings and loan association or state bank. Current law imposes some restrictions on the types and purposes of loans that savings banks and savings and loan associations may make. Under the bill, <sup>the bill</sup> a universal bank may ~~make, sell, purchase, arrange, participate in, or otherwise deal in loans or extensions of credit for any purpose.~~ Like state banks, the limitations imposed on a universal bank's lending generally focus on the total amount of liabilities of any one lender at any one time. Although the limit varies, the general rule is that the total liabilities of any one person to a universal bank may not exceed 20% of the capital of the universal bank. In addition, universal banks ~~are granted~~ additional authority to lend <sup>to all borrowers</sup> through the universal bank or its subsidiaries, an amount to all borrowers from the universal bank and all of its subsidiaries, an aggregate amount not to exceed 20% of the bank's capital ~~provided that the loans to any one borrower may not exceed 20% of the bank's capital.~~ Loans made under this additional authority are not subject to rules regarding bad debts or classification of assets, for a period of three years from the date of the loan. The division of banking may suspend this additional authority based upon factors including the universal bank's capital adequacy, management, earnings, liquidity and sensitivity to market risk.

<sup>3.</sup> ~~Investment powers.~~ To the extent consistent with safe and sound banking powers, a universal bank may purchase, sell, underwrite and hold certain investment securities in an amount up to 100% of the universal bank's capital. A universal bank may not invest greater than 20% of its capital in any one obligor or issuer. Subject

to certain limits, <sup>also</sup> a universal bank <sup>to</sup> may purchase, sell, underwrite and hold equity securities, ~~consistent with safe and sound banking principles. The division of banking may approve a greater percentage.~~ <sup>and</sup> Universal banks may also invest in certain housing properties and projects, ~~subject to certain limits. A universal bank may take equity positions in profit-participation projects, including projects funded through loans from the universal bank, in an aggregate amount not to exceed 20% of capital. The division of banking may suspend the authority to invest in profit-participation projects.~~

<sup>also</sup> The bill provides that <sup>a</sup> universal bank may invest without limitation in <sup>several</sup> specific ~~certain~~ types of securities, including ~~obligations of certain federal agencies or~~

~~federally chartered corporations and associations; 2) deposit accounts or insured obligations of insured financial institutions; 3) securities of certain business~~

~~development corporations and urban renewal investment corporations; 4) certain securities of bank insurance companies; 5) securities of certain corporations operating automated teller machines; 6) securities of service corporation subsidiaries of a universal bank; 7) advances of federal funds; 8) risk management~~

~~instruments, including financial futures transactions, financial operations transactions and forward commitments, solely for the purpose of reducing, hedging or otherwise managing its interest rate risk exposure; 9) securities of subsidiaries~~

~~exercising certain fiduciary powers; and 10) securities of agricultural credit~~

~~Universal bank may invest in other financial institutions. The investment powers of universal banks may be exercised either directly or through a~~

~~subsidiary unless the division of banking requires the investment to be made through a subsidiary in order to limit the risk exposure of the universal bank. The~~

bill contains specific provisions governing the purchase by a universal bank of its own stock and of stock in banks and bank holding companies.

<sup>4.</sup> <sup>a</sup> ~~Deposit and trust powers.~~ The bill grants universal bank the authority to establish the types and terms of deposits that the universal bank <sup>3</sup> solicit and accept <sup>5</sup>. A universal bank may pledge its assets as security for deposits and, with the approval of the division of banking, may securitize its assets for sale to the public. In addition,

a universal bank may exercise safe deposit powers, ~~and also trust powers that are~~ <sup>certain</sup> ~~exercised by trust company banks~~ <sup>and trust</sup>

*fit spring*  
~~Incidental and related powers.~~ <sup>q5.</sup> Under the bill, a universal bank may exercise all powers necessary or convenient to effect the purposes for which the universal bank is organized or to further the businesses in which the universal bank is lawfully engaged. ~~Current law does not have a similar provision for savings banks, savings and loan associations or state banks.~~

*not* In addition ~~to these necessary or convenient powers,~~ <sup>a</sup> the bill allows universal bank to engage, ~~either directly or through a subsidiary~~ <sup>bill specifies</sup> in activities that are reasonably related or incident to the purposes of the universal bank. The ~~following~~

*numerous* activities ~~specifically mentioned~~ <sup>that are either</sup> reasonably related or incidental powers, ~~including~~ <sup>including</sup>

~~business and professional services; 2) data processing; 3) courier and messenger services; 4) credit-related activities; 5) consumer services; 6) real estate-related services; 7) insurance services, other than insurance underwriting; 8) securities brokerage; 9) investment advice; 10) securities and bond underwriting; 11) mutual fund activities; 12) financial consulting; 13) tax planning and preparation; 14) community development and charitable activities; and 15) debt cancellation~~ <sup>and</sup>

~~contracts.~~ The division of banking is permitted to expand ~~the~~ <sup>this</sup> list of reasonably related or incidental powers by rule.

*(not)* ~~In addition,~~ <sup>also</sup> a universal bank may engage in any activity permitted to be engaged in by bank holding companies under the federal Bank Holding Company Act.

*5/2/02* A universal bank must give 60 days' prior written notice to the division of banking of the bank's intention to engage in a necessary or convenient, reasonably related or incidental power. The division of banking may deny the authority of a universal bank to engage in a reasonably related or incidental power, other than those activities that are specifically enumerated, if the division of banking makes certain determinations. The division of banking may <sup>also</sup> require that any of these activities be conducted <sup>in a manner that limits</sup> through a subsidiary with appropriate safeguards ~~to limit~~ the risk exposure of the universal bank.



Other changes affecting commerce

## \*\*\* ANALYSIS FROM -1808/1 \*\*\*

Under Wisconsin's version of the Uniform Unclaimed Property Act (UUPA), a presumption of abandonment applies to certain types of intangible property if the owner of the property fails to take steps to evidence ownership within a specified time period. The holder of the property that is presumed to be abandoned must report and deliver the property to the state treasurer unless the presumption is incorrect. If the presumption is incorrect, the holder must file a statement with the state treasurer explaining the error in the presumption.

(w/9) The UUPA defines "intangible property" to include a sales credit reflected in a vendor's bookkeeping. Thus, if the presumption applies, the UUPA requires a vendor to report and deliver to the state treasurer the amount of the credit. If the credit does not reflect an actual credit owing to a customer, the vendor must demonstrate to the state treasurer why the credit is not reportable as abandoned property.

(w/9) This bill excludes from the definition of "intangible property" a balance credited by a business association to a commercial customer's account in the ordinary course of business. Thus, <sup>the</sup> bill eliminates the requirement that a vendor <sup>either</sup> report and deliver to the state treasurer a sales credit issued to a commercial customer's account or file a statement with the state treasurer explaining why the sales credit is not reportable as <sup>abandoned property</sup>.

## \*\*\* ANALYSIS FROM -0220/P1 \*\*\*

Under current law, <sup>there are</sup> articles and substances <sup>that</sup> statutorily ~~are~~ banned from being sold or distributed in this state, <sup>including toys containing mercury, are</sup> ~~toys containing mercury are~~ included in this ban. This bill expands the ban to include fever thermometers that contain mercury.

## \*\*\* ANALYSIS FROM -0061/4 \*\*\*

Under current law, a person who owns a meter used to sell or deliver liquefied petroleum gas ~~(w/9/24/99)~~ must comply with certain requirements to ensure the accuracy of the ~~measurements done by the~~ meter and the price charged to the

purchaser. These requirements include registering the meter with the department of agriculture, trade and consumer protection (DATCP). ~~This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes certain statutory requirements on the licensing procedure instead of requiring DATCP to impose requirements by rule.~~

~~Current law requires that a meter owner have~~ <sup>and having</sup> the meter inspected annually by a meter servicing company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

(w/ff) The bill <sup>also</sup> imposes the requirement that the meter be inspected on the operator instead of on the owner. ~~The bill also eliminates the requirement that meter servicers be specifically licensed as such and~~ <sup>;</sup> instead, they are licensed under the current law that governs the licensing of all persons who install, service test or calibrate weights and measures. ~~The bill requires that meter servicers test meters according to standards and tolerances established by DATCP by rule.~~

Current law imposes fees on meter owners for failing to comply with these registration and testing requirements and on meter servicing companies for failing to comply with the reporting requirements. The bill authorizes DATCP to suspend or revoke operator licenses for and meter and servicing licenses for these failures.

~~The bill also increases the fees for licenses for commercial scales that weigh vehicles.~~

\*\*\* ANALYSIS FROM -0583/2 \*\*\*

On January 1, 1999, 11 members of the European Union (Germany, France, Italy, Spain, the Netherlands, Belgium, Portugal, Finland, Ireland, Austria and Luxembourg) adopted the euro as their single currency. <sup>Beginning on</sup> ~~From~~ January 1, 1999, <sup>to</sup> ~~January 1, 2002~~ there is a three-year period for the conversion of the ~~member~~ ✓

*of the members*  
 currencies to the euro. On January 1, 2002, euro notes and coins will be introduced and on July 1, 2002, the member currencies will be withdrawn from circulation.

This bill provides a general mechanism for interpreting contracts or other legal instruments that are entered into or executed in this state or that contain provisions that require the contract or other legal instrument to be interpreted according to the law<sup>s</sup> of this state and that use currencies or other monetary units affected by the introduction of the euro. Generally, under the bill, any contract or other legal instrument that uses a currency or other monetary unit that is affected by the euro must use the euro as a commercially reasonable substitute for the currency or monetary unit. The bill also provides that no person may discharge or otherwise excuse performance under any contract or other legal instrument, ~~or~~ unilaterally alter the terms of, or terminate, any contract or other legal instrument, as a result of the requirement that the euro be a commercially reasonable substitute for ~~member currency or ECU~~ *the currency or monetary unit*.

This bill changes the name of the division of savings and loan in ~~the department of financial institutions~~ <sup>DFI</sup> to the division of savings institutions. The bill further provides that any action taken by the division of savings and loan under the name of the division of savings institutions has the same effect as if the action had been taken under the name of the division of savings and loan.

\*\*\* ANALYSIS FROM -1191/2 \*\*\*

This bill authorizes ~~the department of financial institutions~~ <sup>DFI</sup> to charge members of the public a fee for accessing or using DFI's databases or computer systems.

\*\*\* ANALYSIS FROM -0935/2 \*\*\*

~~ENVIRONMENT~~

BUILDINGS AND SAFETY

Under current law, the department of commerce regulates private sewage systems. A private sewage system is a sewage treatment system with a septic tank

or an alternative sewage system approved by the department of commerce, such as a holding tank. Under current law, a point source of pollution is generally required to obtain a water pollution discharge permit from the department of natural resources (DNR). A point source discharges (pollution from a pipe or similar conveyance into the surface water or groundwater of this state)

Under this bill, the department of commerce regulates small sewage systems. A small sewage system either is a wastewater treatment and disposal system that discharges below the surface of the ground and that has a design flow that does not exceed a maximum established by the department of commerce or is a holding tank. <sup>The</sup> bill authorizes DNR to exempt small sewage systems from the requirement to obtain a water pollution discharge permit.

\*\*\* ANALYSIS FROM -0515/4 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~

~~BUILDINGS AND SAFETY~~

Current law charges governmental units (counties in which <sup>small</sup> private sewage systems are located or, for counties with a population of at least 500,000, the cities, villages or towns in which such systems are located) with certain regulatory duties concerning private sewage systems. Governmental units may delegate these regulatory duties to town sanitary districts or certain public inland lake protection and rehabilitation districts if these districts consent. This bill permits governmental units to delegate these regulatory duties to the department of commerce ~~(department)~~ if the department consents. ✓

Under current law, one statute authorizes governmental units to issue sanitary permits for the installation of <sup>small</sup> private sewage systems and another statute authorizes both the department <sup>of commerce</sup> and governmental units to issue sanitary permits. The department's practice has been to issue sanitary permits for the installation of <sup>small</sup> private sewage systems on state-owned property only. This bill ~~consolidates the two~~

~~authorizing statutes into one statute that~~ permits both the department and governmental units to issue sanitary permits for the installation of ~~private~~ <sup>small</sup> sewage systems on either private or state-owned property.

<sup>small</sup> Current law prohibits a governmental unit from issuing a sanitary permit for the installation of a ~~private~~ sewage system if the department finds that the governmental unit has not adopted a ~~private~~ <sup>of commerce</sup> sewage system ordinance <sup>as</sup> required by law <sup>or</sup> if the governmental unit fails to carry out its regulatory duties concerning ~~private~~ sewage systems. This bill provides instead that the department may order the governmental unit to remedy its failure to adopt a ~~private~~ sewage system ordinance <sup>to</sup> carry out its regulatory duties.

\*\*\* ANALYSIS FROM -1856/2\*\*\*



✓  
0521/2

Under current law, the department of commerce administers a grant program for the replacement or rehabilitation of certain types of failing small sewage systems. Generally, a covered system is one that discharges sewage into surface water, groundwater or bedrock or to drain tile or the surface of the ground. Under the program, the department of commerce <sup>awards</sup> provides grants to eligible local governmental units which, in turn, <sup>award</sup> provide grants to eligible individuals and businesses. If there is insufficient funding for all eligible individuals and businesses, the grants are prorated.

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P.  
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Under this bill, in a year in which the department of commerce must prorate funds under the ~~private sewage system replacement and rehabilitation grant program~~, a local governmental unit that received a prorated grant may apply for a no-interest loan ~~that the local governmental unit may use~~ to increase the prorated grants provided to eligible individuals and businesses. To obtain a loan, a local

governmental unit must enter into a financial assistance agreement with the department of administration ~~ADDA~~ and the department of commerce. *In addition,*

\*\*\* ANALYSIS FROM -0521/2 \*\*\*

## ~~COMMERCE AND ECONOMIC DEVELOPMENT~~

### ~~BUILDINGS AND SAFETY~~

*move to P-29*  
~~Under current law,~~ a person is generally eligible for a grant to replace or rehabilitate a failing sewage system if, among other things, he or she owns a principal residence that was constructed and inhabited before July 1, 1978, and *that* is served by a covered system *if* and the person's annual Wisconsin adjusted income does not exceed \$45,000.

*(m)* This bill provides that a person is eligible for a grant if the system serving the principal residence was installed before July 1, 1978, the person's federal adjusted gross income does not exceed \$45,000 and the person meets the other eligibility requirements.

Current law requires ~~private~~ *small* sewage systems to be inspected every three years by, among others, persons licensed by ~~the department of natural resources~~ *DNR* to service septic tanks (pumpers). This bill eliminates pumpers as a class of approved inspectors for ~~private~~ *small* sewage systems and adds ~~private~~ *small* sewage system inspectors certified by ~~the department~~ *DNR*.

*(m)* The bill also eliminates the three-year inspection requirement and requires *that DNR* instead ~~the department~~ to establish ~~by rule~~ a schedule for the inspection or pumping of systems.

*DNR*  
Current law requires cities and metropolitan sewerage districts to report to ~~the department~~ each failure of a state licensed plumber to qualify as a journeyman or master plumber and each wilful violation of any plumbing regulation. This bill ~~repeals~~ *eliminates* this reporting requirement.

\*\*\* ANALYSIS FROM -1978/2 \*\*\*

## CORRECTIONAL SYSTEM

### ADULT CORRECTIONAL SYSTEM

This bill provides that the department of corrections (DOC) may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and have access to any information that may serve to identify a minor or have access to an individual's financial transaction card numbers, checking or savings account numbers or social security number. Under the bill, a financial transaction card means an instrument or device issued ~~for the use of~~<sup>to</sup> the cardholder ~~in~~<sup>for</sup> obtaining anything on credit, ~~for~~<sup>for</sup> certifying or guaranteeing the availability of funds sufficient to honor a draft or check or ~~for~~<sup>for</sup> gaining access to an account.

#### \*\*\* ANALYSIS FROM -1834/2 \*\*\*

Under current law, DOC may, until July 1, 1999, operate the juvenile secured correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill extends that authority to July 1, 2001.

#### \*\*\* ANALYSIS FROM -0336/2 \*\*\*

This bill requires DOC to establish a probation and parole holding and alcohol and other drug abuse treatment facility in Milwaukee, a medium security correctional institution in Redgranite and a medium security correctional facility in New Lisbon.

#### \*\*\* ANALYSIS FROM -0290/3 \*\*\*

### JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids (generally referred to as "youth aids"), various state and federal funds are allocated to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC. This bill provides new per person daily cost

assessments upon counties for juvenile placements during the 1999-2001<sup>fiscal</sup> biennium  
as follows:

*Move Table to here so that it is centered.*

<u>Placement</u>	<u>7/1/1999</u> <u>to</u> <u>12/31/1999</u>	<u>1/1/2000</u> <u>to</u> <u>12/31/2000</u>	<u>1/1/2001</u> <u>to</u> <u>6/30/2001</u>
Juvenile correctional institution	\$157.29	\$158.46	\$159.62
Transfers from a juvenile correctional institution to a treatment facility	\$157.29	\$158.46	\$159.62
Child caring institution	\$169.24	\$172.46	\$175.67
Group home	\$117.42	\$119.65	\$121.88
Foster care	\$26.17	\$26.67	\$27.16
Treatment foster care	\$75.37	\$76.80	\$78.23
Departmental corrective sanctions services	\$85.18	\$80.67	\$76.67
Departmental aftercare	\$16.85	\$17.03	\$17.20

\*\*\* ANALYSIS FROM -2105/1 \*\*\*

Under current law, DOC may operate or contract for the operation of secured correctional facilities for holding in secure custody juveniles who have been adjudicated delinquent and placed in a secured correctional facility under the supervision of DOC by the court assigned to exercise jurisdiction under the juvenile justice code (juvenile court). Current law also permits DOC to license child welfare agencies to operate secured child caring institutions (secured CCI's) for holding in secure custody juveniles who have been adjudicated delinquent and referred to the child welfare agency by the juvenile court or by DOC. A juvenile court may place a juvenile in a secured correctional facility or a secured CCI only if the juvenile has been adjudicated delinquent for committing an act that would be punishable by a sentence of ~~6~~<sup>12</sup> months or more if committed by an adult and has been found to be a danger to the public and in need of restrictive custodial treatment.



This bill permits the county board of supervisors of not more than one county to establish, and DOC to license, a secured group home for holding in secure custody juveniles who have been adjudicated delinquent for committing an act that would be punishable by a sentence of six months or more if committed by an adult, who have been found to be a danger to the public and in need of restrictive custodial treatment and who have been placed under the supervision of DOC by the juvenile court.

Under current law, various laws apply to juveniles who are placed in a secured correctional facility or a secured CCI. Those laws relate to such subjects as sex offender registration, the commitment of sexually violent persons, a deoxyribonucleic acid data bank of sex offenders, human immunodeficiency virus (HIV) testing when certain persons have been significantly exposed to HIV, adult jurisdiction and criminal penalties for certain persons who commit assault, transfers to a state treatment facility, aftercare planning, escape, notification of victims and witnesses when a juvenile is released or escapes from correctional custody, taking runaways into custody, strip searches and an exception to the open records law when disclosing a record would endanger the security of an institution. This bill applies those laws to juveniles who are placed in a secured group home in the same manner as those laws apply to juveniles who are placed in a secured correctional facility or a secured CCI.

**\*\*\* ANALYSIS FROM -1070/1 \*\*\***

Under current law, DOC provides a corrective sanctions program for juveniles who have been placed under the supervision of DOC. Under the corrective sanctions program, DOC must place a participant in the community, provide intensive surveillance of the participant and provide an average of \$5,000 per year per slot to purchase community-based treatment services for ~~each~~<sup>5</sup> participant. This bill reduces the amount that DOC must provide to purchase community-based

head COURTS AND PROCEDURE

treatment services for ~~any~~ corrective sanctions program participant<sup>s</sup> to \$3,000 per year per slot.

\*\*\* ANALYSIS FROM -1597/3 \*\*\*

## CIRCUIT COURTS

~~Under current law, civil litigants generally pay their own attorney fees unless otherwise specified by statute. This is called the "American rule".~~ Current law ~~does~~ provide<sup>s</sup> for limited payment of attorney fees to the successful litigant in all civil actions. In a civil action concerning money damages or property, ~~that~~<sup>the</sup> successful litigant is entitled to attorney fees based on the following schedule:

<u>(I) + scored</u> Amount recovered/value of property	<u>(I) + scored</u> Fee
\$1,000 or more	\$100
\$500 to \$999.99	\$ 50
\$200 to \$499.99	\$ 25
Under \$200	\$ 15

This bill changes the amount of attorney fees allowed in these cases as follows:

<u>Amount recovered/value of property</u>	<u>Fee, not to exceed</u>
Greater than \$5,000	\$500
\$1,000 to \$5,000	\$300
Under \$1,000	\$100

*also increases* The bill changes the attorney fees recoverable in civil cases that do not involve money damages or property from a maximum of ~~\$400~~<sup>\$100</sup> to a maximum of \$500.

*in civil cases* Under current law, certain disbursements, such as those made for the costs of certified copies of public papers or records, postage and depositions, are recoverable by the successful ~~any~~ litigant, but are limited to \$50 for each item. This bill expands the list of disbursements that are recoverable to include <sup>such</sup> items ~~such~~ as overnight delivery and facsimile transmissions and increases the limit to \$100 for each item.

*INSERT FROM P. 36* The bill also increases the amount that ~~the~~<sup>a</sup> successful ~~any~~ litigant may recover for the cost of each expert witness, from \$100 to \$300 and, for a motion, from \$50 to \$300.

\*\*\* ANALYSIS FROM -0440/1 \*\*\*

testifying on behalf  
of the successful litigant

filing

## ~~COURTS AND PROCEDURE~~

### PUBLIC DEFENDER

Under current law, the state public defender (SPD) provides legal representation to indigent persons in criminal, delinquency and certain related cases. The SPD assigns cases either to staff attorneys in the agency's trial division or local private attorneys. A staff attorney working in the trial division is expected to meet an annual caseload standard. This bill provides that, beginning on July 1, 2000, the SPD may exempt up to ten staff attorneys in the trial division from the annual caseload standards based on the need of those attorneys to perform other assigned duties. ✓

### \*\*\* ANALYSIS FROM -0063/2 \*\*\*

#### OTHER COURTS AND PROCEDURE

~~Under current law, the department of agriculture, trade and consumer protection (DATCP) administers, ~~investigates~~ and enforces certain consumer protection and trade practices laws and ~~prosecutes violations of these laws~~. These laws include laws prohibiting or regulating methods of competition, fraudulent representations, fraudulent drug advertising, prize notices, mail-order sales, purchases of vegetables and dairy products from farmers and advertising of telecommunication services. A person found to have violated one of these laws is subject to a forfeiture or a fine.~~

Under current law, a person is subject to a forfeiture if he or she violates a law relating to weights and measures. These include laws against obstructing or hindering a state or local inspector of weights or measures, causing any weight or measure used in the buying or selling of a commodity to be incorrect and removing an official weights and measures inspector's tag from a commodity. If the violation is intentional, the person is subject to a fine.

This bill requires a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws

or local ordinances enacted pursuant to these laws. The assessments that are collected are ~~deposited in an appropriation to DAYCO~~ <sup>appropriated</sup> to pay for providing consumers with information and education. <sup>the department of agriculture, trade and consumer protection</sup>

\*\*\* ANALYSIS FROM -1037/2 \*\*\*

Under current law, when the clerk of circuit court collects a fee from a person commencing a civil action, including garnishment, small claims and forfeiture actions, the clerk is also required to collect a \$7 justice information system fee. Four-sevenths of the \$7 fee is used to pay the costs incurred by the department of administration ~~to develop and operate the automated justice information system.~~ <sup>move to P. 34</sup> Two-sevenths of the \$7 fee is used to pay the costs incurred by the director of state courts for the operation of the circuit court, court of appeals and supreme court automated information systems and for the payment of interpreter fees. The remaining \$1 of the fee ~~goes into the general fund without any designated purpose.~~ <sup>does not have a specified</sup>

This bill raises the justice information system fee from \$7 to \$9 and uses the additional \$2 <sup>of each</sup> fee to pay the costs incurred by the director of state courts for the operation of the circuit court, court of appeals and supreme court automated information systems and for the payment of interpreter fees.

\*\*\* ANALYSIS FROM -1085/4 \*\*\* ✓

Currently, under the common law doctrine of sovereign immunity, the state is immune from lawsuits, ~~except in certain instances in which laws permit the state to be sued or the enforcement of a federal or constitutional right is involved.~~ Narrower grants of immunity are provided to state authorities under various specific laws. ~~Also,~~ in certain limited circumstances, a state governmental officer, employee or agent may be sued for certain acts or omissions even though a lawsuit arising from the same acts or omissions may not be brought against the governmental unit that the officer, employee or agent serves. No punitive damages (damages not resulting from direct or indirect loss but awarded, instead, as punishment for wrongful conduct)

may be awarded in any such lawsuit based upon tort (a noncontractual claim based upon alleged wrongful conduct). Damages in tort lawsuits against a state officer, employee or agent are generally limited to \$250,000. Currently, with certain exceptions, the state and local governments must pay interest on late payments to vendors.

*prohibits a* This bill ~~provides that no~~ person *may bring* a lawsuit against a state authority or local governmental unit, or *against* an officer, employee or agent of a state or local governmental unit (including a state authority) acting within the scope of his or her employment or agency, for the alleged failure of the authority, unit, officer, employee or agent to plan for, test for, detect, disclose, prevent, report on, reprogram, remediate or otherwise deal with the effects of the failure of a computer system to handle correctly and consistently any date, *for* the inability of a computer system to correctly interpret, produce, calculate, generate, utilize, manipulate, represent or account for any date, or for any act or omission related to such an alleged failure for which there would otherwise be liability, if the authority, unit, officer, employee or agent made a good faith effort to address the alleged failure. The bill also provides that any contract entered into on or after the day on which the bill becomes law that contains a contrary provision is void. In addition, the bill provides that the state and local governments are not required to pay interest to vendors on late payments arising from a computational date error failure described above.

\*\*\* ANALYSIS FROM -0265/1 \*\*\*

~~COURTS AND PROCEDURE~~

~~OTHER COURTS AND PROCEDURE~~

Under current law, the governmental unit that provides certain public assistance benefits as a result of an injury, sickness or death that creates a claim or cause of action on the part of *a* the public assistance recipient or beneficiary or his or her estate against a *third* party must be joined by the plaintiff as a party to the claim

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or action. This is known as subrogation, and as a subrogated party, that <sup>from the third party</sup>  
<sup>The</sup> governmental unit has the right to recover the amount provided in public assistance benefits ~~from the person's claim.~~ The governmental unit may make a claim or maintain an action or intervene in a claim or action by the recipient, beneficiary or estate against the ~~third~~ <sup>third</sup> party. <sup>in a cause of action</sup>

~~Currently,~~ a party that is joined <sup>in a cause of action</sup> based on subrogation may, among other things, agree to have his or her interests represented by the party who caused the joinder. If this option is selected the subrogated party must sign a written waiver of the right to participate in the action.

Under this bill, if the department of health and family services (DHFS) is joined based on subrogation because of the provision of medical assistance (MA) benefits, DHFS need not take any affirmative action in order to have its interests represented by the party causing the joinder.

Currently, an attorney retained to represent a current or former recipient of public assistance benefits, or the recipient's estate, in asserting a claim that is subrogated, must provide notice of the claim, and of any award or settlement, to the governmental unit that provided the benefits. If an attorney is not representing the current or former recipient of public assistance in asserting a claim that is subrogated, the current or former recipient or his or her guardian must provide the notice. If the recipient is deceased, the personal representative of the recipient's estate <sup>must</sup> provide the notice if an attorney is not representing the estate.

This bill requires a person against whom a subrogated claim is made, or that person's attorney or insurance company, to provide notice of the claim, and of any award or settlement, to DHFS if that person, or that person's attorney or insurer, knows or should know that the claim is subrogated because of the provision of MA benefits. Additionally, under this bill, if DHFS or a county is a subrogated party because of the provision of MA benefits, the subrogation creates a lien on the

claimant's recovery, equal to the amount of the MA paid as a result of the injury, sickness or death that gave rise to the claim.

\*\*\* ANALYSIS FROM -0260/2 \*\*\*

### ~~COURTS AND PROCEDURES~~

#### ~~OTHER COURTS AND PROCEDURES~~

Under current law, DHFS must file a claim against the estate of a recipient of certain health aids for the amount of aid paid to the recipient. If the recipient's spouse or minor or disabled child survives the recipient, and the recipient's estate includes an interest in a home, the probate court must, in the final judgment, assign the interest in the home subject to a lien in favor of DHFS for the amount of DHFS' claim. Currently, small estates <sup>may be</sup> ~~are~~ settled or assigned summarily <sup>in which case</sup> ~~and therefore~~ a final judgment is not entered. Instead, a summary order is entered. ~~It is unclear, under current law whether the assignment of the home must be subject to a lien in cases in which there is no final judgment.~~

(w/9) This bill states that the lien requirement extends to cases in which assignment of the home is made by summary order.

\*\*\* ANALYSIS FROM -2030/2 \*\*\*

### EDUCATION

#### PRIMARY AND SECONDARY EDUCATION

Current law allows up to 15% of the enrollment of the Milwaukee Public Schools (MPS) to attend, at no charge, any private school located in the city of Milwaukee under certain circumstances. The state pays the parent or guardian of the pupil an amount equal to the amount of per pupil aid that MPS receives from the state or an amount equal to the private school's educational cost per pupil, whichever is less. The parent or guardian must endorse the check for the use of the private school. The state reduces the MPS school aid entitlement, for each pupil participating in the program, by the amount of per pupil aid that MPS would otherwise receive.

(the portion of a school district's costs that are aided by the state divided by the school district's enrollment) LRB-2130/P3

Under current law, the city of Milwaukee, the University of Wisconsin-Milwaukee and Milwaukee Area Technical College may establish ~~by~~ ~~charter~~ and operate a charter school or may initiate a contract with an individual or group to operate a school as a charter school. For each pupil attending the charter school, the state pays the charter school an amount equal to the shared cost per pupil of MPS and reduces the MPS school aid entitlement by an identical amount.

Current law also generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to \$208.88 per pupil in the 1998-99 school year and, in subsequent school years, to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. To determine the total allowable revenue increase for a school district under the revenue limit, the department of public instruction (DPI) uses a three-year rolling average pupil enrollment, which includes, for MPS, some of the pupils enrolled in the choice program and the charter schools described above. DPI may adjust a school district's revenue limit upwards or downwards for a number of contingencies, including transfers of service responsibilities between a school district and another governmental unit and changes in a school district's boundaries. Any school district ~~with a base~~ <sup>that received less in</sup> revenue per pupil <sup>in</sup> the previous school year ~~that was less~~ than a revenue ceiling of \$6,100 (low-revenue district) may increase its revenues up to the revenue ceiling. A low-revenue district is not subject to a revenue limit and its concomitant adjustments.

Beginning in the 1999-2000 school year, this bill replaces the per pupil inflation adjustment with a fixed revenue limit of \$208.88 per pupil. The bill also provides that, beginning with aid paid in the 1999-2000 school year, pupils participating in the choice program or attending one of the charter schools described above are not counted in the enrollment of MPS for state aid purposes and are not counted in the



three-year rolling average for revenue limit purposes. The MPS school aid entitlement is not reduced as a result of such participation or attendance. In addition, the bill directs DPI to adjust the revenue ceiling of a low-revenue school district as if it constituted a revenue limit.

Currently, if a school district's three-year rolling average for the 1998-99 school year is less than the average of the number of pupils enrolled in the school district in the three previous school years, ~~then~~ the school district's revenue limit is increased for the 1998-99 school year by the additional amount that would have been calculated had the decline in the three-year rolling average enrollment been 25% of what it was. This bill extends this one-year revenue limit increase for declining enrollment to subsequent school years.

Current law generally provides that the ~~membership~~<sup>enrollment</sup> of a school district in the previous school year must be used to calculate general school aid for the current school year. The ~~membership~~<sup>enrollment</sup> of MPS, however, includes pupils in the choice program in the current school year who were enrolled in grades kindergarten to three in a private school located in Milwaukee in the previous school year and who did not participate in the choice program. This bill eliminates these additional choice pupils from MPS enrollment for calculating general state aid. <sup>enrollment</sup>

~~Under current law, the amount in the general school aid ~~appropriation~~<sup>as supplemental</sup> is a sum sufficient for the payment of general school aid, less the amount of money appropriated for additional aid for county handicapped children's education boards. This bill provides that the general school aid appropriation is a sum sufficient for the payment of general school aid, less this ~~additional~~<sup>supplemental</sup> aid and less an amount equal to the cost of the choice program and the cost of the charter schools described above.~~

\*\*\* ANALYSIS FROM -1309/4 \*\*\*

Current law provides two special state aid adjustments for ~~certain~~<sup>any</sup> school districts that would receive less aid ~~in the current school year~~<sup>than</sup> they received in ~~the~~<sup>it</sup> ~~previous~~<sup>any</sup> school year otherwise than 85% of the

1 the previous school year. If a school district is eligible for both of these special state aid adjustments, the school district's state aid is increased to an amount equal to 85% of the state aid that the school district received in the previous school year. A school district is entitled to receive a special state aid adjustment only if the additional aid does not result in a state aid payment greater than the school district's shared cost ~~(the portion of a school district's costs that are aided by the state)~~. This bill provides that if a school district is eligible for both special state aid adjustments, the school district receives the greater adjustment, if the additional aid does not result in a state aid payment greater than the school district's shared cost.

Under current law, if a school district exceeds its revenue limit without referendum approval, DPI must reduce the school district's state equalization aid payment by the excess revenue amount. ~~DPI imposes the penalty in the same school year in which the school district raised the excess revenue.~~ If a school district's equalization aid is less than the penalty amount, DPI must reduce the school district's other state aid payments until the remaining excess revenue is covered. If the aid reduction is still insufficient to cover the excess revenues, DPI must order the school board to reduce the property tax levy by an amount equal to the remainder of the excess amount or refund the amount with interest, if taxes have already been collected. DPI does not include the excess revenue in the school district's base. This bill imposes these same penalties on low-revenue school districts that exceed their revenue ceilings.

\*\*\* ANALYSIS FROM -1351/3\*\*\*

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued January 13, 1998, and to administer fourth and eighth grade promotional examinations to fourth and eighth grade pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district. Beginning

ANALYSIS FROM  
1264/1

in the 2000–01 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt examinations developed by DPI or develop its own examinations. A school board must notify DPI if it adopts its own high school graduation examination instead of the high school graduation examination developed by DPI, and it must determine the high school grades in which the examination is administered each school year.

This bill provides that a school board must administer the high school graduation examination to all pupils enrolled in a charter school located in the school district other than a Milwaukee charter school described above. The bill also provides that the operator of a Milwaukee charter school must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school. The operator may either adopt DPI's examinations or develop its own. In addition, the bill requires a school board or the operator of a Milwaukee charter school to notify DPI annually by October 1 if it intends to administer its own high school graduation examination in the following school year and provides that, beginning in the 2001–02 school year, the high school graduation examination ~~must~~ be administered only to 11th and 12th graders.

may  
Current law requires each school board and operator of a Milwaukee charter school to administer the tenth grade examination developed by DPI to all tenth graders enrolled in the school district or the charter school. This requirement does not apply after the 2000–01 school year. This bill eliminates the expiration of the tenth grade examination requirement.

Under current law, beginning September 1, 2002, a school board may not grant a high school diploma to a pupil unless he or she passes the high school graduation examination. Beginning July 1, 2002, a pupil may not be promoted from the fourth to the fifth grade or from the eighth to the ninth grade unless the pupil passes the

fourth and eighth grade promotional examinations. A pupil's parent or guardian, however, may excuse a pupil from taking these examinations. A pupil who is excused must satisfy alternative criteria for promotion or graduation.

This bill imposes upon operators of Milwaukee charter schools the same prohibitions against promotion that are imposed upon school boards. Finally, the bill eliminates the authority of a pupil's parent or guardian to excuse the pupil from taking the high school graduation examination.

~~\*\*\* ANALYSIS FROM 1264/1 \*\*\*~~

~~\*\*\* ANALYSIS FROM -1381/3 \*\*\*~~

This bill provides that, beginning in 2001, no public school may commence its school term until September 1. The bill specifies that the prohibition does not prevent a school board from holding athletic contests or practices before that date, scheduling in-service days or work days before that date or holding school year-round.

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no change

~~\*\*\* ANALYSIS FROM -1859/2 \*\*\*~~

~~\*\*\* ANALYSIS FROM -1724/2 \*\*\*~~

no  
change  
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Under current law, a school board, board of control of a cooperative educational service agency (CESA) or a county children with disabilities education board is eligible for special education aid if the state superintendent of public instruction is satisfied that the special education program has been maintained according to law. This aid is equal to a percentage of the amount expended on special education costs in the preceding school year.

This bill eliminates the reimbursement rates for handicapped education costs and school age parents program costs. <sup>and</sup> The bill directs that aidable costs be fully reimbursed, subject to the availability of funds.

(w/9) The bill also provides that the operator of a Milwaukee charter school described above is eligible for special education aid, on a current school year basis, if the operator operates a special education program and the state superintendent is

satisfied that the operator has complied with <sup>the</sup> federal ~~special education law~~ (the Individuals With Disabilities In Education Act) <sup>as though the operator were a school board.</sup>

\*\*\* ANALYSIS FROM -1354/2 \*\*\*

Under current law, a charter school may be established by, among other things, petitioning the school board to enter into a contract with a person to establish and operate a charter school. Within 30 days after receiving a charter school petition, the school board must hold a public hearing on the petition. The MPS board must grant or deny a petition to establish a charter school within 30 days after the public hearing. If the MPS board denies the petition, the person seeking to establish a charter school may, within 30 days of the denial, appeal the denial to the state superintendent of public instruction, who must decide the appeal within 30 days after receiving it.

This bill requires all school boards to grant or deny a charter school petition within 30 days after the public hearing and permits the person seeking to establish a charter school to appeal a denial of a charter school petition to the state superintendent.

\*\*\* ANALYSIS FROM -1355/1 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Under current law, the Milwaukee charter schools described above are not instrumentalities of MPS, and the MPS board may not employ any personnel for these charter schools. If, however, the city of Milwaukee contracts with an individual or group operating for profit to operate a charter school, the charter school is an instrumentality of MPS and the MPS board must employ all personnel for the charter school.

This bill provides that if the city of Milwaukee contracts with an individual or group operating for profit to operate a charter school, the charter school is not an

instrumentality of MPS, and the MPS board may not employ any personnel for the charter school.

**\*\*\* ANALYSIS FROM -1356/5 \*\*\***

Current law authorizes the MPS board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district. The MPS board may also close any school that it determines is low in performance. If the MPS board closes a school or reopens a school that has been closed, the superintendent of schools may reassign the school's staff without regard to seniority in service. In addition, the MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision to contract with a private nonsectarian school or private nonsectarian agency in the city to provide educational programs to pupils, or the impact of any such decision on the wages, hours or conditions of employment of the employees who perform those services; or 2) the reassignment of employees who perform services for the board, with or without regard to seniority, as the result of a decision of the board to close or reopen a school or to contract with a person to operate a charter school or convert a school to a charter school, or the impact of any such reassignment on the wages, hours or conditions of employment of the employees who perform those services. This bill extends the above provisions to cover all school boards.

**\*\*\* ANALYSIS FROM -2039/2 \*\*\***

In the 1996–97 and 1998–99 school years, a school board having a school with an enrollment that was at least 50% low-income in the previous school year was permitted to enter into a five-year achievement guarantee contract with DPI on behalf of one school in the school district (and up to ten schools in ~~the Milwaukee Public Schools~~ <sup>MPS</sup>) if, among other things, in the previous school year that school had an enrollment that was at least 30% low-income. Under these contracts the school

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*in the school or schools covered by the contract*  
district must reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving state aid.

This bill permits a school board to enter into <sup>a</sup> five-year achievement guarantee contract beginning in the 2000-01 school year on behalf of one or more schools if, among other things, in the previous school year a school in the school district had an enrollment that was at least 50% low-income and each school on whose behalf the school board contracts had an enrollment that was at least 62% low-income (80% low-income for ~~the Milwaukee Public Schools~~ <sup>MPS</sup>).

\*\*\* ANALYSIS FROM -1353/1 \*\*\*

Under current law, a school board may request DPI to waive school board or school district requirements, except those pertaining to, among other things, teacher licensing. This bill permits a school board to request a waiver of the teacher licensing requirement.

\*\*\* ANALYSIS FROM -1352/1 \*\*\*

This bill prohibits the state superintendent of public instruction from renewing a teaching license unless the person seeking renewal has received training in educational technology.

\*\*\* ANALYSIS FROM -1380/2 \*\*\*

Current law directs DPI to award a \$2,000 grant in the 1999-2000 school year to any person who is certified by the National Board for Professional Teaching standards (NBPTS) before July 1, 2000, and <sup>who</sup> satisfies several additional conditions. In the 2000-01 school year, DPI must award a \$2,500 grant to each person who received a \$2,000 grant, maintains his or certification by the NBPTS and satisfies several additional conditions.

This bill eliminates all of the above dates. Under the bill, a person who becomes certified by the NBPTS receives the initial \$2,000 grant in the school year in which he or she becomes certified. The bill also directs DPI to award the person a \$2,500 grant in each of the succeeding nine years.

**\*\*\* ANALYSIS FROM -1193/2 \*\*\***

Under current law, referenda are required or authorized to be held by school districts to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to MPS. Currently, these referenda are required or authorized to be held at special elections when no offices appear on the ballot.

This bill provides that such referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year), or on the Tuesday after the first Monday in November in an odd-numbered year.

**\*\*\* ANALYSIS FROM -1385/2 \*\*\***

(DOA)

Current law directs DPI, the department of administration and the legislative fiscal bureau to estimate jointly the amount necessary to appropriate as general school aid to ensure that the total amount of state aid received by all school districts equals two-thirds of total school district revenues from state aid and property taxes.

This bill provides that the amounts received by school districts to compensate them for the reduction in their tax bases due to the property tax exemption for computers is included in the calculation of school district revenues.

**\*\*\* ANALYSIS FROM -0674/1 \*\*\***

Under current law, the state superintendent of public instruction administers four alcohol and other drug abuse prevention and intervention grant programs for school districts. Current law also limits the amount the state superintendent may award under each grant program.

This bill consolidates the alcohol and other drug abuse prevention and intervention programs into one grant program administered by the state superintendent and allows a school board to apply for a grant to fund any kind of alcohol and other drug abuse prevention and intervention program. In addition, the bill ~~does not~~ <sup>on</sup> limit the amount of each grant that the state superintendent may award.

eliminates the



**\*\*\* ANALYSIS FROM -2038/1 \*\*\***

This bill directs the state superintendent of ~~public instruction~~ to award grants to school districts, CESAs and other persons for staff development.

**\*\*\* ANALYSIS FROM -1579/1 \*\*\***

This bill directs the state superintendent of ~~public instruction~~ <sup>(TEACH)</sup> to consult with the technology for educational achievement in Wisconsin <sup>board</sup> before awarding school technology resource grants. School technology resource grants are funded with federal moneys and are awarded to school districts for various educational technology purposes.

**\*\*\* ANALYSIS FROM -1732/1 \*\*\***

Current law authorizes the state superintendent to award a grant to a nonprofit corporation to fund partially the costs of planning, developing and operating a youth village program. A youth village program is a residential program that provides an alternative education for pupils whose life outside school seriously interferes with their educational progress and who are functioning below their grade level in basic academic skills, are behind in academic credits or have a record of poor grades or attendance problems.

This bill eliminates the youth village grant program.

**\*\*\* ANALYSIS FROM -1977/2 \*\*\***

This bill directs DPI to award grants to school districts for smoking prevention programs in grades kindergarten to eight. A grant may not exceed \$10,000.

**\*\*\* ANALYSIS FROM -1569/4 \*\*\*****\*\*\* ANALYSIS FROM -2024/3 \*\*\***

Under current law, DPI distributes general purpose revenue to head start agencies, which provide comprehensive health, educational, nutritional, social and other services to economically disadvantaged children and their families.

(w/91) This bill ~~provides that~~ the head start program and a variety of other early childhood education programs ~~funded by~~ <sup>from</sup> general purpose revenue ~~are funded by~~ <sup>to</sup> moneys from the federal temporary assistance for needy families block grant.

changes the source  
of the funding for

**\*\*\* ANALYSIS FROM -0976/4 \*\*\***

Under current law, an alternative school for American Indians may voluntarily establish an American Indian language and culture education program. If the alternative school meets certain management and accounting criteria, it is eligible to receive \$185 from DPI for each pupil who ~~has completed~~ <sup>completes</sup> the fall semester in the program of instruction. This bill increases the aid for which the alternative school is eligible to \$200 per pupil and provides that this aid is paid from ~~an appropriation~~ <sup>money derived from</sup> ~~funded by the~~ Indian gaming ~~compact revenues~~ <sup>receipts</sup>.

**\*\*\* ANALYSIS FROM -1277/5 \*\*\*****\*\*\* ANALYSIS FROM -1992/1 \*\*\***

Under current law, a pupil who transfers from one school district to another to reduce racial imbalance under the special transfer program (commonly known as chapter 220) <sup>intradistrict</sup> is counted as one pupil for state aid and revenue limit purposes by the school district in which the pupil resides. A school district that participates in the intradistrict special transfer program receives additional state aid.

This bill provides that each interdistrict transfer pupil is counted by the school district in which he or she resides as one-half pupil for state aid and revenue limit purposes. The bill also requires MPS to use at least 10% of the intradistrict aid that it receives in each school year to build or lease neighborhood schools.

**\*\*\* ANALYSIS FROM -1816/2 \*\*\*****HIGHER EDUCATION**

<sup>prohibits</sup> ~~Under~~ current law, the University of Wisconsin Hospitals and Clinics Authority (UWHCA) ~~is prohibited~~ from issuing bonds <sup>or</sup> ~~and~~ incurring additional indebtedness if the aggregate amount of the UWHCA outstanding bonds, together with all other indebtedness of UWHCA, exceeds \$50,000,000. This bill increases this amount to \$90,000,000. In addition, the bill prohibits UWHCA from issuing any new bonds for the purpose of purchasing a clinic or a hospital.

**\*\*\* ANALYSIS FROM -1806/3 \*\*\***

Under current law ~~the department of administration (DOA)~~ administers the college tuition prepayment program, which allows an individual, a trust or a legal guardian to purchase tuition units from DOA that may be redeemed in the future to pay tuition at any accredited institution of higher education in the United States.

This bill transfers administration of the college tuition prepayment program from DOA to the state treasurer. The bill also makes two modifications to the program. Under current law, if a contract is terminated, under certain circumstances DOA may not issue a refund for one year and may not issue a refund of more than 100 tuition units in any year. This bill eliminates these restrictions and clarifies that tuition units may be used to pay mandatory student fees.

**\*\*\* ANALYSIS FROM -1077/1 \*\*\***

Under current law, the board of regents of the University of Wisconsin (UW) System may exempt up to 200 students at the UW-Parkside<sup>(campus)</sup> and up to 150 students at the UW-Superior<sup>(campus)</sup> from nonresident tuition in programs identified as having surplus capacity. This tuition award program (TAP) terminates at the end of the 1998-99 academic year. This bill extends the termination date of TAP until the end of the 2000-01 academic year.

**\*\*\* ANALYSIS FROM -1993/1 \*\*\***

This bill directs the board of regents of the UW System to allocate \$1,000,000 from the UW System's general program operations appropriation in each year of the biennium to advance the work of the UW center for tobacco research and intervention.

**\*\*\* ANALYSIS FROM -1542/2 \*\*\***

This bill enumerates in the 1999-2001 state building program a full-scale aquaculture demonstration facility to be built at Ashland and to be operated by the board of regents of the UW System. Under the bill, \$3,000,000 in program revenue supported borrowing is authorized for the construction of the facility. The program

revenue that will support the borrowing consists of moneys received by the state from the Indian gaming compacts.

**\*\*\* ANALYSIS FROM -2007/1 \*\*\***

Current law directs the technical college system (TCS) board to administer, or contract for the administration of, the telecommunications retraining program. Under the program, which is funded by contributions from telecommunications companies, certain telecommunications industry workers are eligible to receive grants for retraining. ~~Under current law,~~ the program expires at the end of the 1998–99 fiscal year.

This bill extends the expiration date of the program to June 30, 2000, and requires additional contributions from telecommunications companies if the telecommunications retraining board determines that additional contributions are necessary.

**\*\*\* ANALYSIS FROM -1111/1 \*\*\***

This bill directs the TCS board to produce an annual statewide guide containing information on all of the technical colleges and their programs and to distribute it to students, parents, high school personnel and others. For this purpose, the bill authorizes the board to use up to \$125,000 of the amount appropriated each fiscal year as state aid for the technical colleges.

**\*\*\* ANALYSIS FROM -1888/2 \*\*\***

This bill directs the TCS board to award a grant in the 1999–2001 fiscal biennium to the Waukesha County Technical College for the development of its printing program.

**\*\*\* ANALYSIS FROM -1696/7 \*\*\***

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the educational communications board (ECB) is responsible for overseeing and coordinating the provision of public broadcasting to Wisconsin. In addition, the board of regents of the ~~University of Wisconsin (UW) System~~ ~~board~~, ~~board~~

as licensee, must manage, operate and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill directs the secretary of administration ~~(secretary)~~, the president of the UW System and one person chosen by the governor to draft and file articles of incorporation for a nonstock, nonprofit educational broadcasting corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, these persons must prepare and submit to the joint committee on finance (JCF) for JCF's approval an operational plan for the corporation that includes a list of those persons employed by the board <sup>of regents</sup> and the ECB who are best-suited to provide educational broadcasting services for the corporation and an estimate of the level of funding necessary to cover the corporation's annual operating expenses.

The corporation is entitled to receive state aid for initial administrative expenses if <sup>its</sup> ~~the~~ articles of incorporation ~~of the corporation~~ state that the purpose of the corporation is to provide educational broadcasting to this state; the articles of incorporation name as initial directors the secretary <sup>of administration</sup>, two representatives to the assembly, two senators, a member of the board <sup>of regents</sup> and three individuals selected by the governor; and the initial board of directors of the corporation submits an application to the federal communications commission (FCC) to transfer all broadcasting licenses held by ECB and the board <sup>of regents</sup> to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB and the board <sup>of regents</sup> to the corporation, the ECB is eliminated on the effective date of the transfer of the broadcasting licenses. In addition, the corporation is entitled to receive additional state aid for operational expenses if, among other things, the board of directors of the corporation offers employment beginning on the effective date of the transfer of all of the broadcasting licenses to those individuals designated

in the operational plan; the board of directors of the corporation negotiates with the <sup>of regents</sup> board and the secretary <sup>of administration</sup> for the use of state-owned equipment and space necessary for the operations of educational radio and television networks; and the secretary approves any amendment to the corporation's articles of incorporation or bylaws.

\*\*\* ANALYSIS FROM -1938/1 \*\*\*

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

This bill requires ~~the department of administration~~ DOA <sup>for its approval</sup> to prepare a report on the privatization of state-owned and state-leased communications towers that are used for public broadcasting, except for the Milwaukee area technical college tower. The report must include a plan for implementing privatization. No later than June 30, 2000, DOA must submit the report to ~~the joint committee on finance~~ JCF.

If the cochairpersons of JCF do not notify DOA within 14 days after submittal that a meeting has been scheduled to review the report, DOA may implement the plan included in the report. However, if the cochairpersons notify DOA within 14 days after submittal that a meeting has been scheduled, DOA may implement the plan only upon JCF's approval.

\*\*\* ANALYSIS FROM -0250/4 \*\*\*

Under current law, the public service commission (PSC) requires certain telecommunications providers to make contributions to the universal service fund ~~which~~. Moneys in the fund ~~are required~~ <sup>must</sup> to be used for programs administered by the PSC for programs to promote universal access to telecommunications services and affordable access to high-quality education, library and health care information services, including a program for providing institutions with support payments for certain telecommunications services (institutional assistance program), and for certain other PSC programs. In addition, the fund is ~~also~~ used for certain programs administered by the ~~technology for educational achievement in Wisconsin board~~ ~~TEACH board~~, including an educational telecommunications access program for providing data lines and video links to certain educational institutions. ~~The PSC is~~

~~required to promulgate rules for the educational telecommunications access program.~~

This bill eliminates the requirement for the PSC to use moneys in the fund to promote affordable access to high-quality education, library and health care information services. The bill also transfers the institutional assistance program to the TEACH board, which must provide support payments to eligible institutions as determined by the PSC. In addition, all of the PSC's duties regarding the educational telecommunications access program, except the PSC's duties regarding requiring telecommunications providers to contribute to the fund, are transferred to the TEACH board.

Under this bill, ~~the following educational agencies~~ <sup>g</sup> may also participate in the educational telecommunications access program: federated and consolidated public library systems and the Wisconsin Schools for the Visually Handicapped and the

Deaf. The bill ~~also~~ <sup>W</sup> allows any educational agency that participates in the program

to obtain access to more than one data line if it can show to the satisfaction of the TEACH board that the additional lines are more cost-effective than a single line.

~~In addition,~~ <sup>agency</sup> an educational institution ~~that~~ obtains access to a data line under the program may enter into a shared service agreement with a city, village, town or county (political subdivision) that provides the political subdivision with access to any excess bandwidth on the data line that the educational institution does not use.

A political subdivision that obtains access to bandwidth may not receive compensation for providing access to the bandwidth to any other person and no

moneys from the <sup>universal service</sup> fund may be used to pay installation costs that are necessary to provide a political subdivision with access to the bandwidth. The bill also prohibits

an educational ~~institution~~ <sup>agency</sup> from requesting access to an additional data line under the program for the purpose of providing a political subdivision with access to excess

bandwidth and from providing access to a data line under the program to a private business entity.

**\*\*\* ANALYSIS FROM -1561/1 \*\*\***

Current law directs the TEACH board to award educational technology training and technical assistance grants, on a competitive basis, to CESAs and to consortia consisting of two or more school districts or CESAs, <sup>or</sup> one or more school districts or CESAs and one or more public library boards. This bill requires that at least one of these grants be awarded annually to an applicant located in the territory of each CESA. The bill also directs the TEACH board, beginning in the 2000-01 fiscal year, to award at least one grant in each fiscal year to an educational organization or consortium of educational organizations for the development and implementation of a foreign language instruction program in a public school in grades kindergarten to six.

**\*\*\* ANALYSIS FROM -1769/2 \*\*\***

**\*\*\* ANALYSIS FROM -0251/2 \*\*\***

Under current law, the Wisconsin advanced telecommunications foundation ~~(foundation)~~ provides funding for certain advanced telecommunications technology application projects and for efforts to educate telecommunications users about advanced telecommunications services. This bill allows the TEACH board to contract with the foundation to provide administrative services to the foundation. \*

**\*\*\* ANALYSIS FROM -1516/4 \*\*\***

Under current law, the educational approval board (EAB), which is attached to the higher educational aids board (HEAB), approves and supervises education and training of veterans under certain programs under federal law. ~~In addition~~ EAB also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools.

This bill eliminates EAB and transfers its functions regarding veterans' education and training to the department of veterans affairs ~~(department)~~. The bill \*



transfers all of the other functions of the ~~board~~ <sup>to</sup> HEAB. The bill ~~also~~ creates an educational approval council ~~that~~ <sup>to</sup> advises HEAB in carrying out its duties ~~under the bill~~.

\*\*\* ANALYSIS FROM -1517/4 \*\*\*

~~Under current law, HEAB administers a grant program for~~ <sup>Currently, under the Wisconsin higher education grant program</sup> postsecondary resident students enrolled at least halftime in accredited higher education institutions in this state ~~(Wisconsin higher education grant program)~~. Students at tribal colleges are not eligible for grants under ~~the~~ <sup>the</sup> program. HEAB is required to promulgate rules establishing policies and procedures for determining dependent and independent student status and calculating expected parental and student contributions under the program. ~~In addition,~~ <sup>awards grants to</sup> current law specifies a method for HEAB to award ~~grants~~ <sup>these</sup> to dependent students ~~under the program~~. ~~Also under~~ <sup>also</sup> current law, HEAB ~~administers a~~ <sup>the</sup> tuition grant program for students enrolled at accredited, nonprofit, post-high school educational institutions and tribal colleges ~~(tuition grant program)~~. In addition, HEAB administers ~~a~~ <sup>an Indian assistance</sup> grant program to assist those Indian students who are residents of this state to receive a higher education ~~(Indian assistance grant program)~~. Grants under the Indian assistance grant program are based on financial need. One-half of each such grant is paid by the state with general purpose revenue; the other half is contributed by Indian tribes or bands.

Under this bill, students at tribal colleges are eligible for grants under the Wisconsin higher education grant program, but not for grants under the tuition grant program. The bill appropriates money derived from the Indian gaming ~~compacts~~ <sup>receipts</sup> to pay for the grants awarded to tribal college students under the Wisconsin higher education grant program and to pay the state's share of each grant under the Indian assistance grant program. In addition, the bill eliminates the requirement for HEAB to promulgate ~~the~~ rules regarding student status and expected contributions under the Wisconsin higher education grant program, as well

as the method specified for awarding grants to dependent students. The bill requires instead that HEAB award grants under the Wisconsin higher education program based on a formula that accounts for expected parental and student contributions.

**\*\*\* ANALYSIS FROM -1830/1 \*\*\***

Currently, HEAB administers ~~an~~ <sup>the</sup> academic excellence higher education scholarship program that awards scholarships, for up to four years of study, to certain students enrolled at participating institutions of higher education in this state who had the highest grade point averages in their high schools.

(w/ff) This bill specifies that this program and its scholarship recipients must be referred to as the governor's scholarship program and governor's scholars, respectively, in all printed material disseminated or otherwise distributed by HEAB.

**\*\*\* ANALYSIS FROM -1290/4 \*\*\***

The state currently appropriates money to the state historical society from the conservation fund for interpretive programming at the Northern Great Lakes Center. This bill designates the Northern Great Lakes Center as a historic site. The bill appropriates money derived from the Indian gaming ~~compact~~ <sup>receipts</sup> for the operation of the Northern Great Lakes Center historic site. The appropriation from the conservation fund is not eliminated.

The state currently appropriates general purpose revenue to the arts board to award grants to individuals and groups concerned with the arts and to contract with individuals, organizations, units of government and institutions for services furthering the development of the arts and <sup>the</sup> humanities.

(w/ff) This bill appropriates money derived from the Indian gaming ~~compact~~ <sup>receipts</sup> for such grants awarded to, and such contracts entered into with, American Indian individuals, groups, organizations, tribal governments and institutions.

**\*\*\* ANALYSIS FROM -1983/1 \*\*\***

This bill appropriates money to the Medical College of Wisconsin for the study and prevention of tobacco-related illnesses.

**\*\*\* ANALYSIS FROM -1250/5 \*\*\*****EMINENT DOMAIN**

Under current law, any municipality, board, commission, public officer or corporation that is authorized to acquire property by condemnation and that acquires property either by purchase or by condemnation, and any entity that carries out a program or project with public financial assistance that causes any person to move or to move his or her personal property, must provide relocation benefits to persons displaced by the program or project. Relocation benefits include moving expenses, replacement housing payments and business or farm replacement payments.

This bill eliminates the authority of the department of natural resources (DNR) to acquire property by condemnation. The bill also provides that if DNR carries out a program or project that causes a person to move or to move his or her personal property, DNR is not required to provide relocation benefits. ~~Note, however, that~~  
\* under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, <sup>however,</sup> a person is eligible for relocation benefits specified under the federal law if a state agency (including DNR) carries out a program or project with federal financial assistance.

Finally, the bill authorizes the building commission, at the request of DNR, to acquire property by condemnation for any public purpose. Under current law, the eminent domain authority of the building commission is limited to the acquisition of land that it deems necessary for a site for Madison downtown state office facilities. If the building commission acquires property at DNR's request, whether by condemnation or purchase, it is required to provide relocation benefits.

**\*\*\* ANALYSIS FROM -1034/2 \*\*\***

Under current law, a property owner whose property has been partially condemned for a sewer or transportation facility must pay property taxes in the year of the condemnation for both the condemnee's remaining property and the portion

that applies to the condemnee's remaining property

of the property that was awarded to the condemnor. Current law also provides that, in a partial condemnation, the ~~prorated~~ portion of the condemnee's current property tax obligation must be subtracted from the award of compensation for the taking. To recover both the condemnor's and the condemnee's prorated share of property taxes, the condemnee must file a claim with the condemnor.

This bill provides that, if the property owner retains a majority interest in the property after the condemnation, the condemnor may choose not to subtract the condemnee's prorated taxes from the award payment and may include the condemnor's prorated taxes in the award payment, thereby eliminating the need to file a claim with the condemnor.

\*\*\* ANALYSIS FROM -1922/5 \*\*\*

EMPLOYMENT

Under ~~current law~~ <sup>requires</sup> the division of connecting education and work in the department of workforce development (DWD) ~~is required to plan, coordinate,~~ <sup>to</sup> administer ~~and implement~~ DWD's workforce excellence initiatives, programs, policies and funding, the youth apprenticeship and school-to-work programs provided by DWD under the federal School-to-Work Opportunities Act of 1994 ~~and such other employment and education programs as the governor may by executive order assign to the division.~~ Under the youth apprenticeship program, DWD must approve occupations ~~for youth apprenticeship programs, and~~ <sup>and</sup> develop curricula for youth apprenticeship programs, and may award training grants to employers that provide on-the-job training and supervision for youth apprentices. Under the school-to-work program, DWD must approve statewide skill standards ~~for that program.~~ Also under current law, DWD may award grants to nonprofit corporations and public agencies for the provision of career counseling centers that provide youths with career education and job training information and that assist youths in locating

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apprenticeship and other work experience opportunities that are related to the youth's education.

This bill eliminates the division of connecting education and work in DWD, creates a governor's work-based learning board ~~boards~~ and transfers to <sup>that</sup> the board <sup>and career counselling center</sup> the administration of the youth apprenticeship ~~and~~ school-to-work programs ~~and the career counseling center grant program~~. The bill ~~also~~ transfers to the technical college system board the responsibility for developing youth apprenticeship curricula, subject to the approval of the board. Under the bill, the board is also responsible for administering a study grant program created under the bill for high school graduates who meet or exceed a grade point average determined by the board and who enroll in a technical college within one year after high school graduation, and a work-based learning program created under the bill for youths who are eligible to receive federal temporary assistance for needy families.

The bill also ~~creates a local youth apprenticeship partnership grant program~~ <sup>directs the board to</sup> under which the board must award grants to local partnerships for the implementation and coordination of local youth apprenticeship programs. The bill defines a "local partnership" as one or more school districts, or any combination of one or more school districts, other public agencies, nonprofit organizations, individuals <sup>or</sup> and other persons, who have agreed to be responsible for implementing and coordinating a local youth apprenticeship program. A local partnership that is awarded a grant may use the grant moneys to recruit employers and students to participate in the program; coordinate academic, vocational and occupational learning, school-based and work-based learning and secondary and postsecondary education for participants in the program; assist employers in identifying and training workplace mentors; and perform any other implementation or coordination activity that the board may direct or permit the local partnership to perform.

Under current law, the state superintendent of public instruction may award a grant to a nonprofit organization that is providing an innovative school-to-work program for children at risk <sup>in Milwaukee County</sup> ~~that is~~ children who are behind their age group in the number of high school credits attained or in basic skill levels and who are dropouts, habitual truants, parents or adjudicated delinquents ~~in a county having a population of 500,000 or more (Milwaukee County)~~ to assist those children in acquiring employability skills and occupation-specific competencies before leaving high school. <sup>This</sup> ~~The~~ bill transfers to the <sup>governor's work-based learning</sup> board the responsibility for awarding that grant.

\*\*\* ANALYSIS FROM -0577/3 \*\*\*

Under current law, the Wisconsin employment relations commission (WERC) must collect fees from parties who request WERC services relating to labor disputes involving fact-finding, mediation or arbitration. This bill requires that WERC collect a fee from any party who requests that WERC assemble a panel of individuals who are not members or employees of WERC to act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement.

\*\*\* ANALYSIS FROM -0502/2 \*\*\*

*change*  
Under current law, a Wisconsin conservation corps (WCC) enrollee who is successfully employed for six months to one year is entitled to a voucher to pay for tuition. This bill raises the maximum amount allowed for this voucher from \$2,600 to \$2,800.

\*\*\* ANALYSIS FROM -1419/2 \*\*\*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

***Requirement to clean up hazardous substance spills***

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful

effects of the discharge on the environment. <sup>Counts have held that a</sup> ~~if~~ <sup>possessor.</sup> person is ~~considered to possess~~ or control <sup>S</sup> any hazardous substance that is present on property that the person owns.

Current law generally exempts a local governmental unit <sup>from</sup> these clean-up requirements with respect to hazardous substance discharges on land acquired in specified ways, such as through tax delinquency proceedings <sup>or</sup> ~~and~~ condemnation.

~~"Local governmental unit" is defined to include~~ (a city, village, town, county, redevelopment authority and housing authority).

<sup>makes</sup> ~~§ 1. The bill expands the definition of "local governmental unit" to include a~~ community development <sup>authorities</sup> ~~authority~~. <sup>§ 2. eligible for the exemption</sup> Under current law, the local governmental unit exemption from clean-up requirements is not available if the discharge is from an underground petroleum storage tank. This bill eliminates that limitation.

<sup>(no #)</sup> ~~This~~ <sup>The</sup> <sup>also</sup> **\*\*\* ANALYSIS FROM -0257/4 \*\*\*** <sup>✓</sup>  
<sup>in a number of ways:</sup> ~~bill~~ expands the local governmental exemption from the clean-up requirements <sup>so that it applies</sup> to land acquired with funds from this state's

stewardship program, land <sup>§ 3. The bill applies the exemption</sup> acquired through escheat and land acquired from another local governmental unit that is entitled to the exemption. Land is acquired through escheat when the owner dies without a will that disposes of the land and without any heir. <sup>§ This</sup> ~~The~~ bill requires local governmental units to agree to provide

access to land that is subject to the exemption for the purpose of letting someone else conduct a cleanup of the discharge.

<sup>✓</sup> ~~§ 4. The~~ <sup>The</sup> **\*\*\* ANALYSIS FROM -1422/1 \*\*\***  
~~bill~~ exempts a local governmental unit from the requirement to clean up a hazardous substance that has migrated from a property acquired in one of the specified ways to another property.

<sup>§ The</sup> ~~This~~ bill also exempts a local governmental unit that has acquired property in one of the specified ways from certain requirements relating to hazardous waste if

the hazardous waste is cleaned up, DNR approves the cleanup and other conditions are satisfied.

\*\*\* ANALYSIS FROM -0256/1 \*\*\*

Under current law, a lender who acquires land through enforcement of a security interest is not liable for a discharge of a hazardous substance on that land if certain requirements are satisfied. This bill requires a lender to provide access to the land on which the discharge occurred for the purpose of letting someone else conduct a cleanup of the hazardous substance. Under current law, the lender-liability exemption is not available if the discharge is from an underground petroleum storage tank. This bill makes the lender-liability exemption available if the discharge is from an underground petroleum storage tank.

\*\*\* ANALYSIS FROM -0929/4 \*\*\*

***Exemption from clean-up requirement for voluntary parties***

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, <sup>any</sup> a person who ~~did not~~

<sup>is</sup> intentionally or recklessly cause<sup>d</sup> the original discharge of a hazardous substance on a property, <sup>A voluntary party</sup> called a voluntary party, <sup>is</sup> exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted and approved by the department of natural resources (DNR), the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge and the voluntary party maintains and monitors the property as required by DNR. This exemption applies if later changes to the law ~~would~~ impose greater responsibilities on the voluntary party or if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge.

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*provides*  
~~This bill changes the definition of "voluntary party" so that a person who intentionally or recklessly caused the discharge of a hazardous substance may obtain the voluntary party exemption from environmental cleanup requirements and from the requirements of other laws relating to hazardous substances.~~ *is eligible for*  
The bill also authorizes DNR to require a voluntary party to obtain insurance to cover the cost of a cleanup in case the initial cleanup fails.

**\*\*\* ANALYSIS FROM -0285/1 \*\*\***

This bill specifies that the voluntary party exemption applies only with respect to hazardous substances released on the property before DNR approves the environmental investigation of the property.

**\*\*\* ANALYSIS FROM -1422/1 \*\*\***

Under this bill, in order to qualify for the voluntary party exemption, both the voluntary party's property and any other property affected by a discharge originating from that property must be cleaned up. ~~Under the bill,~~ once DNR approves the cleanup, the voluntary party is exempt from further clean-up requirements on both the voluntary party's own property and any other property affected by a discharge originating from that property.

**\*\*\* ANALYSIS FROM -0614/3 \*\*\***

Under current law, a person is exempt from the requirements to restore the environment and minimize the effects of the discharge of a hazardous substance on the environment with respect to the existence of a hazardous substance in groundwater on property possessed or controlled by the person if the discharge originated from a source off of the property, the person agrees to allow access to the property so that someone else can conduct a cleanup and the person agrees to any other condition necessary to ensure that an adequate cleanup can be conducted.

Under this bill, for a property affected by an off-site discharge that has contaminated the groundwater and by discharges of other hazardous substances, a voluntary party is exempt from absolute requirements to restore the environment

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and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if: 1) an environmental investigation of the property is conducted and approved by DNR; 2) the property is cleaned up, except with respect to the discharge that originated off-site; 3) DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the discharge that originated off-site; 4) DNR determines in writing that the voluntary party qualifies for the off-site exemption; and 5) the voluntary party maintains and monitors the property as required by DNR.

*Currently*

\*\*\* ANALYSIS FROM -1423/3 \*\*\*

~~Under DNR's rules~~, a person may be allowed to use natural attenuation to clean up a hazardous substance in groundwater if DNR determines that natural attenuation will bring the groundwater into compliance with groundwater standards within a reasonable period. "Natural attenuation" means the reduction in the amount and concentration of a substance in groundwater that occurs because of natural processes.

Under this bill, if groundwater on a property is contaminated by a hazardous substance in a concentration that exceeds a groundwater standard and DNR determines that natural attenuation will restore groundwater quality ~~in accordance with its rules~~, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if: 1) an environmental investigation of the property is conducted and approved by DNR; 2) the property is cleaned up, except with respect to the substance for which DNR approves natural attenuation; 3) DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the substance for which DNR approves natural attenuation; 4) the voluntary party maintains and monitors the property as required by DNR; and 5) if required by DNR, the voluntary

party obtains insurance to cover the cost of a cleanup in case natural attenuation fails.

*and* \*\*\* ANALYSIS FROM -0937/1 \*\*\*

*INSERT 67 A*  
Under this bill, if an environmental investigation of a property is conducted and approved by DNR, a voluntary party obtains insurance to cover the costs of cleaning up hazardous substance discharges discovered after the environmental investigation is approved, *but* an additional hazardous substance discharge is discovered during a cleanup and a second environmental investigation is conducted and approved by DNR, a voluntary party is exempt from the requirements to clean up any hazardous substance discharge discovered after the second environmental investigation is approved.

\*\*\* ANALYSIS FROM -1421/2 \*\*\*

This bill creates a number of exemptions from the requirement to clean up hazardous substance spills. The bill requires DNR to biennially report on the impacts of these new, and the existing, exemptions.

\*\*\* ANALYSIS FROM -1432/7 \*\*\*

***Petroleum storage remedial action***

Under current law, the department of commerce ~~department~~ administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA.

This bill authorizes the department *of commerce* to issue revenue obligations, to be paid from revenues deposited in the petroleum inspection fund, to fund the payment of claims under the PECFA program. Revenue obligations issued under this bill may not exceed \$450,000,000 in principal amount. ~~In addition to this \$450,000,000 principal~~

amount, the bill authorizes the issuance of revenue obligations to fund or refund these outstanding revenue obligations, to pay issuance or administrative expenses, to make deposits to reserve funds or to pay accrued or capitalized interest. The

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building commission may pledge any portion of revenues received from the proceeds of the obligations or the petroleum inspection fund to secure revenue obligations issued under this bill. The building commission may issue the revenue obligations when it reasonably appears to the building commission that the obligations can be fully paid on a timely basis from the petroleum inspection fund. ~~The bill provides a~~ <sup>if</sup> ~~revoked~~ "moral obligation pledge" which applies if the legislature reduces the rate of the petroleum inspection fee ~~when the rate is reduced and there are insufficient funds in the petroleum inspection fund to pay the principal and interest on the revenue obligations.~~ <sup>will</sup> the legislature expresses its expectation and aspiration that it ~~would~~ <sup>will</sup> make an appropriation from the general fund sufficient to pay the principal and interest on the obligations.

\*\*\* ANALYSIS FROM -1361/3 \*\*\*

*three* Under current law, the department of revenue (DOR) collects a petroleum inspection fee of 3 cents per gallon on petroleum products that are received for sale in this state. The fee is <sup>and is</sup> used to fund PECFA as well as various other programs. ~~The petroleum inspection fee is deposited in the petroleum inspection fund.~~

This bill requires the department of commerce to change the amount of the petroleum inspection fee under specified conditions. If the amount of unpaid PECFA claims, as of June 30 of an odd-numbered year, exceeds \$10,000,000, ~~the bill requires~~ the department <sup>must</sup> ~~to~~ increase the fee, effective the following April 1, as necessary to increase annual revenues by the amount by which unpaid claims exceed \$10,000,000. If the balance in the petroleum inspection fund on June 30 of an odd-numbered year exceeds \$10,000,000 and no PECFA revenue bonds are outstanding, the ~~bill requires the~~ department <sup>must</sup> ~~to~~ reduce the fee, effective the following April 1, as necessary to reduce annual revenues by \$5,000,000 or the amount by which the balance in the fund exceeds \$10,000,000, whichever is greater.

\*\*\* ANALYSIS FROM -1359/3 \*\*\*

Currently, ~~the~~ PECFA ~~program~~ reimburses applicants for interest costs incurred in financing a cleanup, but that reimbursement is limited to interest at 1% over the prime rate.

Under this bill, ~~the~~ PECFA ~~program~~ does not reimburse interest costs incurred by an applicant in financing a cleanup if the applicant has annual gross revenues in excess of \$20,000,000. For other applicants, <sup>the</sup> PECFA interest reimbursement is limited to interest at 5%. The limits on interest reimbursements apply to interest incurred after October 31, 1999, on claims filed after October 31, 1999.

\*\*\* ANALYSIS FROM -1669/5 \*\*\*

Under current law, DNR generally may order a responsible person to conduct a cleanup of a hazardous substance that has been discharged into the environment and may oversee the cleanup. However, under current law, the department of commerce may order and oversee cleanups of certain discharges from petroleum product storage tanks. The department of commerce has authority over cleanups if the site of the discharge is classified as low or medium priority based on the threat that the discharge poses to public health, safety and welfare and to the environment and if the site is not contaminated by nonpetroleum hazardous substances. Current law requires DNR and the department of commerce to enter into a memorandum of understanding that establishes procedures and standards for determining whether a site is high, medium or low priority. Under this state's groundwater law, DNR and the department of health and family services (~~DHFS~~) set enforcement standards. An enforcement standard represents a concentration of a substance in groundwater.

This bill requires the department of commerce to establish the standards for categorizing sites of petroleum product discharges by rule, rather than by memorandum of understanding. The bill requires the department of commerce and DNR to attempt to agree on the standards. The bill prohibits the departments from providing, in those standards, that all sites at which a groundwater enforcement

standard has been exceeded are high priority. The bill also requires the departments to design the standards to classify no more than 50% of sites as high priority. If the departments cannot agree on the standards, the secretary of administration <sup>must</sup> resolve the disagreement. ~~Then the department of commerce promulgates the standards by~~

~~rule~~  
Under PECFA, the owner of a petroleum product storage tank may receive an award for the amount by which the cost of the cleanup exceeds a deductible amount, up to a specified maximum. The current maximum for underground tanks varies from \$100,000 for small farm tanks to \$1,000,000 for tanks located at a facility at which petroleum is stored for resale and tanks that handle an average of more than 10,000 gallons of petroleum per month.

This bill changes the maximum PECFA award for any underground petroleum product storage tank to \$100,000 if the site of the discharge from the tank is classified as medium priority or low priority under the classification system ~~established in the rule that this bill requires~~ <sup>promulgated by rule by</sup> the department of commerce to promulgate. The change in the maximum PECFA award applies to PECFA claims for which remedial action plans are approved after November 30, 1999.

\*\*\* ANALYSIS FROM -1388/6 \*\*\*

Currently, the PECFA deductible for underground tanks is generally \$2,500 plus 5% of eligible costs, but not more than \$7,500, except that the deductible for heating oil tanks owned by school districts and technical college districts is 25% of eligible costs.

This bill changes the PECFA deductible amount for certain underground petroleum product storage tanks. Under this bill, the deductible for an underground petroleum product storage tank that is located at a facility at which petroleum is stored for resale or an underground petroleum product storage tank that handles an annual average of more than 10,000 gallons of petroleum per month is \$10,000, plus

*move*  
\$2,500 if the eligible costs exceed \$50,000, plus \$2,500 *move* if eligible costs exceed \$80,000, plus \$10,000 for each whole \$100,00 by which ~~the~~ eligible costs exceed \$150,000, except that the department of commerce may, by rule, exempt a class of owners and operators from this higher deductible.

~~This~~ *The* bill also changes the PECFA deductible amount for aboveground storage tanks located at terminals from \$15,000 plus 5% of the amount by which eligible costs exceed \$200,000 to \$15,000 plus 15% of the amount by which eligible costs exceed \$200,000. A terminal is a facility that is connected to a petroleum pipeline.

\*\*\* ANALYSIS FROM -1358/4 \*\*\*

This bill authorizes the department of commerce to promulgate rules for assigning award priorities to cleanups under PECFA, except for cleanups of discharges from home heating oil tanks, small farm tanks and heating oil tanks owned by school districts. If the department promulgates the rules, it must pay PECFA awards, for cleanups that begin after the rules take effect, in order of the award priorities under the rules. The bill requires the department to inform the owner or operator of a petroleum product storage tank of the date on which it is appropriate to begin a cleanup, based on when the department estimates funding will be available for an award for the cleanup. The bill authorizes an owner or operator to delay beginning a cleanup until the date that the department determines it is appropriate to begin the cleanup. The bill also authorizes the department to deny PECFA reimbursement for interest costs if an owner or operator begins a cleanup before the appropriate beginning date as determined by the department.

\*\*\* ANALYSIS FROM -1668/1 \*\*\*

This bill authorizes the department of commerce to require a person to pay a fee as a condition of submitting a bid to provide a service for a cleanup under ~~the~~ PECFA ~~program~~. If the department of commerce imposes a fee, the department may purchase, or provide funding for the purchase of, insurance to cover the amount by

which the costs of conducting a cleanup exceed the amount bid to conduct the cleanup.

\*\*\* ANALYSIS FROM -1417/3 \*\*\*

This bill requires the department of commerce and DNR to report information about petroleum product cleanups that are in progress. ~~The departments must report every six months~~ *every six months*

\*\*\* ANALYSIS FROM -1485/P1 \*\*\*

**Dry cleaner environmental response program**

Under current law, DNR administers the dry cleaner environmental response program *under* which ~~reimburses~~ *one reimbursed* owners and operators of dry cleaning facilities a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. This program is funded, in part, by dry cleaning license, solvent and inventory fees ~~which are paid~~ *that* by owners and operators of dry cleaning facilities. As a condition of receiving ~~an award~~ *reimbursement*, owners and operators of closed dry cleaning facilities must pay annually for 30 years the average yearly dry cleaning license fee and an amount equal to the total amount collected as annual dry cleaning solvent fees divided by the number of operating dry cleaning facilities for that year. These required fees are in addition to the deductible owners and operators must pay before receiving ~~an award~~ *a reimbursement*.

This bill eliminates the requirement that operators of closed dry cleaning facilities pay annual fees for 30 years. Instead, ~~the~~ *the* bill requires owners of dry cleaning facilities to pay as part of the deductible an amount equal to 30 times the average license fee for the year in which the ~~award~~ *reimbursement* is made and an amount equal to the total collected as solvent fees divided by the number of operating dry cleaning facilities for the year. This bill also increases the deductible for closed facilities when eligible costs exceed \$200,000.

\*\*\* ANALYSIS FROM -1482/1 \*\*\*

Financing costs are reimbursable costs under the dry cleaner environmental response program. *This bill excludes* *financing costs from reimbursable costs* *set* *under the program.*



\*\*\* ANALYSIS FROM -1484/2 \*\*\*

\*\*\* ANALYSIS FROM -0484/1 \*\*\*

Under current law, the first priority for ~~payment~~ <sup>reimbursement</sup> under the dry cleaner environmental response program is ~~payment~~ <sup>reimbursement</sup> for immediate action activities (activities taken within a short time after a discharge occurs or after a discharge is discovered). After ~~awards~~ <sup>reimbursements</sup> for immediate action activities, DNR is required to give highest priority to paying ~~awards~~ <sup>reimbursements</sup> for eligible costs incurred before October 14, 1997.

This bill requires DNR each year, after paying ~~awards~~ <sup>reimbursements</sup> for immediate action activities, to ~~provide~~ <sup>make</sup> a specified portion of the funds available to pay ~~awards~~ <sup>reimbursements</sup> for ~~costs~~ <sup>eligible costs</sup> incurred before October 14, 1997, and to ~~provide~~ <sup>use</sup> the rest of the funds to pay ~~awards~~ <sup>reimbursements</sup> for costs incurred on or after October 14, 1997.

\*\*\* ANALYSIS FROM -1488/P2 \*\*\*

This bill requires applicants, under the dry cleaner environmental response program, to notify DNR of insurance claims made for the costs of cleanup of a dry cleaner solvent spill and to disclose the amount of insurance proceeds received. ~~This~~ <sup>The</sup> bill also requires applicants to notify DNR if they intend to file suit against an insurance company to recover clean-up costs and allows DNR to join a private suit filed by an applicant against an insurance company for the purpose of recovering clean-up costs.

\*\*\* ANALYSIS FROM -0432/1 \*\*\*

Under the dry cleaner environmental response program, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full site investigations and cleanup plans. The reimbursement for preliminary site screening and interim equipment may not exceed \$15,000, of which not more than \$2,500 may be for the preliminary site screening.

Under this bill, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening.

\*\*\* ANALYSIS FROM -1487/P1 \*\*\* *currently*

The dry cleaner environmental response program is funded from the dry cleaner environmental response fund, a segregated fund. Under current law, DNR is authorized under certain circumstances to fund cleanups of hazardous substance discharges from the environmental fund, another segregated fund.

Under this bill, if DNR funds a cleanup of a discharge of dry cleaning solvent from the environmental fund, DNR must transfer from the dry cleaner environmental response fund to the environmental fund an amount equal to the amount expended from the environmental fund for the cleanup. DNR must make the transfer when it determines that sufficient funds are available.

\*\*\* ANALYSIS FROM -0958/1 \*\*\*

***Other hazardous substances and environmental cleanup***

This bill authorizes a local governmental unit to recover costs it incurs in cleaning up a property on which a hazardous substance has been discharged if the local governmental unit acquired the property in one of several specified ways, including through tax delinquency proceedings ~~and~~<sup>or</sup> condemnation. The local governmental unit may recover the costs from a person who possessed or controlled the hazardous substance at the time that the local governmental unit acquired the property or who caused the discharge of the hazardous substance, unless the person is exempt from the requirement to clean up the property under the hazardous substances spills law.

\*\*\* ANALYSIS FROM -1420/2 \*\*\*

~~Solid and hazardous waste~~

\* This bill creates a brownfield<sup>5</sup> site assessment grant program to be administered by DNR. Under ~~this~~ program, cities, villages, towns, counties, redevelopment

*the*

authorities, community development authorities and housing authorities may apply for a grant to conduct preliminary clean-up activities <sup>at</sup> on brownfield sites. The grants specifically cover the costs of investigating environmental contamination, demolishing structures and removing abandoned containers and asbestos. Applicants who receive a grant under <sup>the</sup> ~~this~~ program must contribute matching funds equal to 20% of the grant and are required to pay back the grant if they receive a loan under the land recycling loan program to conduct the same clean-up activities.

\*\*\* ANALYSIS FROM -0936/2 \*\*\*

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

<sup>currently,</sup> Under the land recycling loan program, this state provides loans to cities, villages, towns and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are provided at subsidized interest rates.

This bill provides that recipients of loans under the land recycling loan program are not required to pay any interest. <sup>The</sup> ~~This~~ bill <sup>also</sup> makes redevelopment authorities and housing authorities eligible for loans under the program.

The budget <sup>act</sup> ~~bill~~ for each fiscal biennium establishes the present value of the subsidies that may be provided under the land recycling loan program during that fiscal biennium. This bill sets the present value of the land recycling loan program subsidies that may be provided during the 1999-2001 <sup>fiscal</sup> biennium at \$9,400,000.

\*\*\* ANALYSIS FROM -0423/1 \*\*\*

Under current law, the department of commerce ~~the department~~ regulates tanks that store flammable and combustible liquids. This bill requires the department <sup>of commerce</sup> ~~to~~ <sup>also</sup> regulate tanks that store liquids that are considered hazardous substances under the federal Superfund Act. Under current law, the department <sup>of commerce</sup> collects a \$100 groundwater fee for plan review and approval for tanks that store flammable and combustible liquids and that have a capacity of 1,000 gallons or more.

Under this bill, the groundwater fee also applies to plan review of tanks that store liquids that are considered hazardous substances under the federal Superfund Act and that have a capacity of 1,000 gallons or more.

**\*\*\* ANALYSIS FROM -0975/1 \*\*\***

**WATER QUALITY**

Under the clean water fund program, this state <sup>currently</sup> provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided ~~under the clean water fund program~~ is a loan at a subsidized interest rate. The budget <sup>act</sup> ~~bill~~ for each fiscal biennium establishes the present value of the subsidies that may be provided under the clean water fund program during that fiscal biennium. This bill sets the present value of the clean water fund program subsidies that may be provided during the 1999-2001 <sup>fiscal</sup> biennium at \$87,400,000.

**\*\*\* ANALYSIS FROM -0974/1 \*\*\***

Currently, under the safe drinking water loan program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget <sup>act</sup> ~~bill~~ for each fiscal biennium establishes the present value of the subsidies that may be provided under the safe drinking water loan program during that fiscal biennium. This bill sets the present value of the safe drinking water loan program subsidies that may be provided during the 1999-2001 <sup>fiscal</sup> biennium at \$5,200,000.

**\*\*\* ANALYSIS FROM -0780/1 \*\*\***

Under current law, the state is authorized to contract public debt in an amount not to exceed \$12,130,000 to fund the safe drinking water loan program. This bill increases that amount to an amount not to exceed \$16,000,000.

**\*\*\* ANALYSIS FROM -1740/3 \*\*\***

One form of assistance that the clean water fund program, the safe drinking water program and the land recycling loan program provide is a loan at a subsidized

from \$34,363,600 to  
\$48,763,600

interest rate. Another form of assistance is a payment to the board of commissioners of public lands to reduce interest payments on a loan from the board for a project that is eligible for assistance under one of the programs.

This bill provides that a payment to the board of commissioners of public lands under the clean water fund program, the safe drinking water loan program or the land recycling loan program may not exceed the amount of subsidy necessary to provide the loan directly under the clean water fund program, the safe drinking water loan program or the land recycling loan program.

\*\*\* ANALYSIS FROM -1552/1 \*\*\*

Under current law, DNR, in conjunction with the department of agriculture, trade and consumer protection (DATCP), the land and water conservation board (LWCB) and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Current law authorizes the issuance of general obligation bonds as one source of funding for the financial assistance under the nonpoint source program. This bill increases the bonding authority for the nonpoint source program ~~by \$14,400,000~~.

Current law authorizes DNR to provide cost-sharing grants for projects to assist agricultural facilities to comply with nonpoint source water pollution control requirements established by DNR and DATCP. These cost-sharing grants are currently funded with proceeds of general obligation bonds. This bill increases the bonding authority for the cost-sharing grants ~~by \$2,000,000~~.   
from \$2,000,000 to \$4,000,000

\*\*\* ANALYSIS FROM -1241/2 \*\*\*

Under current law, the nonpoint source program is funded with general purpose state revenues, segregated revenues from the environmental fund and proceeds of state bonds. This bill provides additional funds for financial assistance under the nonpoint source program from moneys paid to this state under Indian gaming compacts. This bill also provides funds to be paid to the Oneida Nation under

the nonpoint source program from moneys paid to this state under Indian gaming compacts.

**\*\*\* ANALYSIS FROM -1283/1 \*\*\***

Under current law, persons who discharge wastewater into the waters of this state are required to pay an annual wastewater discharge fee to DNR. DNR is required to structure the fee so that municipalities that are subject to the fee pay 50% of the total charged and other persons that are subject to the fee pay the other 50%. Currently, DNR may not charge total fees that exceed \$7,450,000. This bill changes the cap on the wastewater discharge fee to \$7,925,000.

**\*\*\* ANALYSIS FROM -1670/P1 \*\*\***

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Under current law, DNR and ~~DHHS~~ establish standards for the concentration of contaminants in groundwater. When the groundwater standards are exceeded, action must be taken under this state's groundwater law. This bill authorizes DNR to charge a fee for placing information concerning a property on which a groundwater standard is exceeded into a database.

**\*\*\* ANALYSIS FROM -0237/2 \*\*\***

**AIR QUALITY**

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from DNR is required to pay an annual fee to DNR. The fee is a specified amount per ton of certain air pollutants emitted by the stationary source in the preceding year, except that an owner or operator is generally not required to pay the fee for emissions of any pollutant in excess of 4,000 tons per year.

This bill establishes a new facility fee for stationary sources that emit a total of at least five tons of the pollutants on which the current fee is based. The fee ranges from \$50 to \$20,000, depending on the total amount of those pollutants emitted.

**\*\*\* ANALYSIS FROM -0235/1 \*\*\***

*the department of  
health and family  
services*

Under current law, generally a person may not begin construction of a stationary source of air pollution without a construction permit issued by DNR. This bill authorizes DNR to issue general construction permits, each of which may cover numerous similar stationary sources of air pollution.

**\*\*\* ANALYSIS FROM -0236/2 \*\*\***

Current law authorizes DNR to establish, by rule, fees for inspecting nonresidential asbestos demolition and renovation projects regulated by DNR. The fees may not exceed per project. This bill raises the limit on fees for inspecting nonresidential asbestos demolition and renovation projects to \$210.

\$ 200

Under current law, the department of justice (DOJ) generally is responsible for taking actions in court to enforce environmental laws. This bill authorizes DNR to issue a citation (similar to a traffic ticket) if it determines that a person has violated certain of DNR's rules related to asbestos abatement and management. The bill requires DNR to promulgate rules, which must be approved by DOJ, specifying the violations for which citations may be issued. Under the bill, the same procedures are used for the issuance of a citation and the collection of a forfeiture as are used for hunting and fishing violations.

**\*\*\* ANALYSIS FROM -1438/1 \*\*\***

~~SOLID AND HAZARDOUS WASTE~~

sub 2  
RECYCLING

Under current law, DNR administers a financial assistance program to assist with costs related to operating recycling programs and for complying with the prohibition on disposing of yard waste in landfills. The amount of a grant under the program is generally the lesser of 66% of eligible net costs or \$8 per person served, except that, if the lesser of those two amounts is less than 33% of the eligible expenses, the amount of the grant is 33% of the eligible expenses.

This bill reduces the maximum amount of a grant that may be awarded under this financial assistance program. Under the bill, the amount of a grant is the greater of 66% of eligible net costs or 33% of the eligible expenses, except that the grant may

not exceed \$8 per person. This change effectively sets a maximum grant amount of \$8 per person and makes grants based on 33% of the eligible expenses subject to proration of grants if the sum of grants payable under the program exceeds available funds.

(KQ) The financial assistance program currently expires after ~~the year~~ 2000. This bill extends the program through ~~the year~~ 2001.

\*\*\* ANALYSIS FROM -1425/P1 \*\*\*

### ~~ENVIRONMENT~~

#### ~~Recycling~~

Current law prohibits the disposal of listed recyclable materials in a landfill. The prohibition does not apply to any city, village, town, county or other governmental unit that is responsible for the region's solid waste management (responsible unit) and that operates an effective recycling program. A recycling program is an effective recycling program if it meets specified criteria. In addition to the exception from the disposal prohibition, a responsible unit that administers an effective recycling program is eligible for a state grant to reimburse the responsible unit for some of its costs incurred <sup>in</sup> operating the effective recycling program. The amount of the grants statewide total roughly \$24 million annually. \$24,000,000

Beginning in ~~the year~~ 2000, a responsible unit's recycling program is an effective recycling program only if the responsible unit has in place a system of volume-based solid waste fees to generate revenue equal to the responsible unit's costs for solid waste management other than those reimbursed by the state. This criterion does not apply to any responsible unit that separates for recycling at least 25% by volume or by weight of the solid waste collected within the region by the responsible unit or by any person under contract with the responsible unit, or to any responsible unit that provides solid waste to an operating solid waste treatment facility under a contract that was in effect on January 1, 1993.



<sup>The</sup>  
~~This~~ bill <sup>also</sup> eliminates the requirement that, to have its recycling program considered an effective recycling program, a responsible unit have in place a system of volume-based solid waste fees to generate revenue equal to the responsible unit's costs for solid waste management other than those reimbursed by the state.

\*\*\* ANALYSIS FROM -1427/3 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~ ✓

~~ECONOMIC DEVELOPMENT~~ ✓

The recycling market development board (board), which is attached to the department of commerce and which will be eliminated on June 30, 2001, has various powers and duties related to recycling, including awarding financial and other assistance to improve the marketing of, and to develop markets for, certain materials recovered from solid waste. The board may contract with other persons to accomplish any of its powers and duties. Funding for the board's contracts comes from the recycling fund. Funding for the financial assistance that the board awards comes from the recycling fund and from repayments of loans made by recipients of financial assistance awarded by the board. <sup>This</sup> ~~The~~ bill eliminates the recycling fund as a funding source for the board's contracts and financial assistance and provides that the funding for both <sup>comes</sup> ~~come~~ <sup>solely</sup> ~~solely~~ from the appropriation account into which are deposited repayments of loans made by recipients of financial assistance awarded by the board.

The department of commerce made loans before July 1, 1995, for various purposes related to recycling. Repayments of those loans are deposited in the recycling fund. <sup>This</sup> ~~The~~ bill provides that repayments of those loans are to be deposited ~~instead in the appropriation account into which are deposited repayments of loans made by recipients of financial assistance awarded by the board. Thus, those repayments will also~~ <sup>used to</sup> fund the board's contracts and financial assistance that the board awards.

\*\*\* ANALYSIS FROM -1984/1 \*\*\*

~~ENVIRONMENT~~~~RECYCLING~~

This bill requires ~~the department of natural resources (DNR)~~ to award grants of \$75,000 on September 1, 1999, and \$50,000 on July 1, 2000, to the Wheelchair Recycling Project for the purpose of refurbishing used wheelchairs and other mobility devices and returning them to use by persons who otherwise would not have access to needed or appropriate equipment. ~~The grants are paid from the appropriation to DNR for waste reduction recycling and demonstration grants.~~

\*\*\* ANALYSIS FROM -1688/P1 \*\*\*

OTHER ENVIRONMENT

In 1998, DNR and Winnebago County entered into an agreement under which the county agrees to accept sediments that are dredged from the Fox River and that are contaminated with polychlorinated biphenyls (PCBs) for disposal in the county's landfill.

This bill authorizes DNR to enter into an agreement with Winnebago County under which this state indemnifies the county against any liability or damage resulting from the county's acceptance of PCB-contaminated sediments if the sediments are disposed of in a manner approved by DNR. The bill also authorizes DNR to enter into an agreement with the city of Oshkosh under which this state indemnifies the city against any liability or damage resulting from the city accepting PCB-contaminated leachate from the landfill that contains the PCB-contaminated sediments.

\*\*\* ANALYSIS FROM -1418/1 \*\*\*

Current law provides a process for negotiation and arbitration between a person who wishes to construct or expand a landfill or a hazardous waste facility and a committee representing those affected municipalities and counties that choose to participate in the process. An affected municipality or county is one in which a facility is proposed to be located or one whose boundary is within 1,500 feet of the

area in which waste would be treated, stored or disposed of. Other municipalities may participate in the negotiation and arbitration process with the agreement of all parties to the process. Under current law, a town, city or village in which all or part of the facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county and other affected municipalities plus two, whichever is greater. <sup>4</sup> Under this bill, a town, city or village in which all or part of a landfill or a hazardous waste facility is proposed to be located may appoint four members to a committee or the number of members appointed by the county, other affected municipalities and any municipalities added by agreement of the parties plus two, whichever is greater.

\*\*\* ANALYSIS FROM -0239/1 \*\*\*

Under current law, DNR may require tests related to programs administered by DNR to be conducted by laboratories certified or registered by DNR or DATCP or certified or registered by another state or a federal agency that recognizes laboratory certification by DNR and that uses standards equivalent to this state's standards.

This bill authorizes DNR to apply to the federal environmental protection agency to be approved to accredit laboratories under a national environmental laboratory accreditation program. If DNR is approved to accredit laboratories under the national program, an accredited laboratory may conduct tests that currently must be conducted by a certified or registered laboratory. ~~If DNR is approved to accredit laboratories under the national program,~~ this state must accept test results from laboratories accredited by other accrediting authorities and other accrediting authorities must accept test results from laboratories accredited by DNR.

\*\*\* ANALYSIS FROM -0240/1 \*\*\*

Under current law, DNR, the department of commerce and the board of regents of the University of Wisconsin (UW) System are required to promote hazardous pollution prevention. ~~"Hazardous pollution prevention"~~ means changes in processes

which

or raw materials that reduce or eliminate the use or production of hazardous substances, toxic pollutants and hazardous waste. This bill ~~expands the hazardous pollution prevention responsibilities.~~ The bill requires DNR, the department of commerce and the board of regents of the UW System to promote pollution prevention. ~~"Pollution prevention"~~ <sup>which</sup> means an action that prevents waste from being created, reduces the amount of waste that is created or changes the nature of waste being created in a way that reduces the hazards to public health or the environment posed by the waste.

\*\*\* ANALYSIS FROM -0578/2 \*\*\*

GAMBLING

Under current law, the compensation paid to a retailer who sells lottery tickets is 5.5% of the retail price of the lottery tickets. In addition, under current law, the compensation paid to a retailer who sells scratch-off or instant games is 6.25% of the retail price of scratch-off or instant games. This bill authorizes the department of revenue ~~WPA~~ to establish, by rule, a program to provide for additional compensation to be paid to retailers who meet certain performance goals. Under this program, the total compensation provided to retailers who meet the performance goals may not exceed 1.0% of gross lottery revenues.

\*\*\* ANALYSIS FROM -0924/1 \*\*\*

Under current law, the department of health and family services ~~(DHS)~~ <sup>may award</sup> ~~authorized to provide~~ grants to individuals or organizations in the private sector to conduct compulsive gambling awareness campaigns. These grants are funded from ~~moneys from~~ the lottery fund, from revenues generated by pari-mutuel wagering and from moneys paid to the state under Indian gaming compacts. This bill provides that the grants must be funded entirely from moneys paid to the state under Indian gaming compacts.

\*\*\* ANALYSIS FROM -0030/1 \*\*\*